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**States of Suffering:
Marital Cruelty in Antebellum Virginia, Texas, and Wisconsin**

by

Robin C. Sager

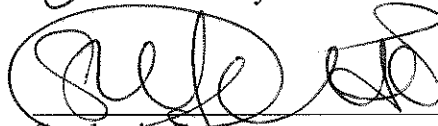
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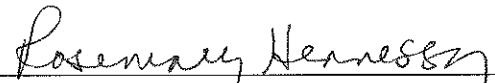
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ABSTRACT

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Robin C. Sager

This dissertation explores the nature of marriage, violence, and region in the mid-nineteenth-century United States. Based on more than 1,500 divorce cases, it argues that marriages were often characterized by open enmity, not companionate harmony. Violence and cruelty between spouses generally erupted as part of ongoing struggles for power in the household and in the relationship. As the only book-length study of marital cruelty for a southern state, this work challenges much of what historians have argued about the relationship between violence and region. It finds that, contrary to what is generally understood about the American South, marriages in Texas and Virginia were not exceptionally violent, at least not compared with those in Wisconsin. The presence of marital cruelty was most pronounced in environments suffering from gender role instabilities. As the statement above shows, this dissertation takes seriously the use of gender as a lens through which to analyze marital discord. Correcting the historical perception of women's violence as trivial, rare, or defensive, this dissertation contends that antebellum wives were indeed capable, and often willing, to commit a wide variety of cruelties within marriage. This work presents the first multi-state comparative study of marital discord focusing on the United States. Exploring nineteenth-century marriages from "way, way below" allows us to move beyond ideals to examine the messiness and unhappiness that characterized many conjugal unions.

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Above all, this dissertation is dedicated to my small but cherished group of family and friends. I have been blessed with the gift of a fiercely loyal and loving 'inner circle,' a fact which I give thanks for every day. During countless phone calls, Krystal Russell offered an ever-present sounding post for ideas large and small. Wayne and Mary Sager went above and beyond the 'typical' in-law relationship and provided a safe and comfortable place to stay as I completed the dissertation. My siblings Britt, Will, and Katie offered continual support and refused to let me take myself too seriously. I would also like to thank my dad, Woody, who oversaw this dissertation from afar and who passed along his love of a good story. My cherished friend and mom, Debbie, taught me the value of dedication and the importance of following one's passions. Her

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INTRODUCTION

Mary Jane Lansing appeared before the Winnebago County, Wisconsin, Circuit Court in 1862. She sought a divorce from her husband of ten years, Andrew, on the grounds of cruelty. Within her bill of complaint and accompanying deposition, Mary related a tale of intense suffering at the hands of her husband. After only a single year of marriage, Andrew embarked on a spree of domestic terror in which he sought to break down his wife's mental and physical faculties. His preferred mode of attack involved striking her head with blunt instruments while simultaneously wishing aloud for her death. The disjointed nature of his ramblings only added to her terror. In May of 1859 he slammed her against the bedroom wall proclaiming, "Dam you I ought to have killed you years ago God damn you I will kill you-you need not think I am afraid to kill you." On one occasion when Mary lay in bed recovering from an illness, Andrew crept in the room and whispered that "he hoped she would have a relapse & die." Even with intervals of recovery her health remained fragile as a result of her husband's continuous assaults. She asked the circuit judge to save her life by dissolving her marriage. The court granted her request.¹

The final verdict in the Lansing case, unfortunately, obscures as much as it reveals. On the surface it appears as if Mary came before the court, satisfied the legal threshold for divorce, and won her case. While accurate, this brief overview of events does not capture the ways in which the Lansing case pushed the court and community to engage in a discussion regarding the proper treatment of spousal partners. Mary's claims

¹ *Mary Jane Lansing v. Andrew Lansing* (1862), OSH-WC.

brought the generally hidden subject of domestic violence into the light and made others reflect upon its meaning. Countless debates of this nature took place across antebellum America, forcing society to examine the boundaries between acceptable and unacceptable marital behaviors. Focusing on the struggles of aggrieved spouses, this dissertation explores a series of questions that address the nature of marriage, violence, and region in the pre-Civil War United States. What was *cruel* in the mid-nineteenth century? Specifically, what was cruel *in marriage*? Who was, or could be, cruel? Who could know about domestic cruelty? How did understandings of marital discord vary between regions? Did instances of marital cruelty in southern or frontier societies reflect a uniquely violent context, as we have heretofore thought?

While clearly not the norm, marriages in crisis forced men and women to examine and affirm their core values in the face of failure. Unfortunately for historians, intimate conflicts of this sort generally stayed behind closed doors, except when they spilled out into the public arena and left their mark on the archive via divorce proceedings. To ascertain the nature of marital cruelty, this dissertation analyzes over 1,500 divorce cases that took place in Virginia, Texas, and Wisconsin from 1840 to 1860. Based upon these records, this work presents a multi-part argument. It finds that many antebellum marriages were characterized by open enmity. Violence and cruelty between spouses often arose as part of ongoing struggles for power in the household and in the relationship. With the rise of companionate marriage during this period one would expect to find an emphasis on emotion within the records. However, this was not the case. Husbands and wives instead described an ideal marriage as one in which both partners performed their respective duties adequately. Even in the face of liberalizing divorce

grounds, violations of duty, not love, were the focus of discussion. New marital forms, including companionate relationships, influenced spouses by emphasizing the importance of equal contributions in those traditional roles. For the cases studied, cruelty then did not mean—on the one hand—the absence of love but, rather, a failure to fulfill marital labor expectations. On the other hand, husbands and wives also used cruelty as a tool when they tried to brutally force their own, often traditional, understandings of marital duties onto their partners.²

This dissertation explores the degree to which region shaped reactions and responses to cruelty. It finds that, contrary to what is generally understood about the American South, marriages in Texas and Virginia were not exceptionally violent, at least not when compared with those in Wisconsin. The presence of marital cruelty was most pronounced in environments suffering from gender role instabilities. In the southern states studied, the primary concern was refining the practice of domestic mastery and its relationship to violence. Honor, in situations of marital chastisement, limited rather than encouraged brutality. Cruelty for southern husbands and wives meant the pursuit, or employment, of inappropriate mastery over one's spouse. In the two frontier states studied, multiple traditions defining the roles of husband and wife combined with unique environmental challenges to create widely varying perceptions of what proper household mastery entailed. The absence of a dominant gender role tradition often bred confusion, fostered marital anxieties, and prompted much, rather intense, violence. Frontier husbands and wives turned to cruelty as a tool to reaffirm the importance and positioning of mastery and dependency in their relationships. As the above statement shows, this

² For additional information on how the divorce records used in this study were gathered, see the Note on Sources and Methodology at the end of the work.

work takes seriously the use of gender as a lens through which to analyze marital discord. It finds that the definition and perception of cruelty varied according to the gender of the victim and perpetrator. Correcting the historical perception of women's violence as trivial, rare, or defensive, it contends that antebellum wives were indeed capable, and often willing, of committing a wide variety of cruelties within marriages. Studying nineteenth-century marriages from the "way, way below" allows us to move beyond ideals to examine the messiness and unhappiness that often characterized conjugal unions.³

The persistent presence of domestic violence in society across time and space might lend itself to an analysis emphasizing continuity and similarity at the expense of change and difference. A multi-state comparative approach addresses this historical problem by highlighting how regional context shaped understandings of cruelty. In particular, by focusing on southern and frontier cultures this dissertation challenges much of what historians have argued about the relationship between violence and region. What we think we know about the South in the eighteenth and nineteenth centuries is that it was extraordinarily violent. Attributing a propensity for brutality to this region has been a hallmark of historians for decades. Debates as to why the South seemed particularly prone to discord have ranged widely and drawn upon countless theories. Some cite the area's traditionally high temperatures for sparking general ill will or the presence of Scots-Irish values for emphasizing aggression for any slight. Others point to the persistence of slavery, the surplus of young and single men, the absence of effective

³ Robin D. G. Kelley, *Race Rebels: Culture, Politics, and the Black Working Class* (New York: Free Press, 1994), 1 (quote).

government, the widespread practice of carrying firearms, or the influence of an honor-driven culture.⁴

Southern honor, as described by historians, both stimulated and regulated the practice of violence in the South. Honor dictated and guided how white men behaved when faced with the possibility of threat or insult. According to traditional interpretations, southerners of all classes participated in honor culture by serving as an audience to ongoing contests of manhood. As Ariela Gross contends, in the antebellum South, “to display or exercise honor is to have an honorable character.” In his seminal work on this cultural guideline, Bertram Wyatt-Brown makes the claim that honor-driven violence in southern society differentiated the region from the rest of nineteenth-century America. This distinctiveness extended into marital relations as domestic assaults perpetrated by southerners, according to Wyatt-Brown, “probably exceeded” similar incidents elsewhere in numerical terms and in presence across social classes. Following in the footsteps of Wyatt-Brown, historians of the South have focused on how honor stimulated violence, paying less attention to its regulatory functions. However, antebellum court records reveal that southerners valued honor because it kept chaos at bay during a period of rapid societal change. It did not condone discord wholesale but

⁴ For historical works postulating theories of southern violence see W. J. Cash, *The Mind of the South* (New York: A. A. Knopf, 1957); Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982); Dickson D. Bruce, Jr., *Violence and Culture in the Antebellum South* (Austin: University of Texas Press, 1979); Richard Nisbett and Dov Cohen, *Culture of Honor: The Psychology of Violence in the South* (New York: Oxford University Press, 1996); Gilles Vandal, *Rethinking Southern Violence: Homicides in Post-Civil War Louisiana, 1866-1884* (Columbus: Ohio State University Press, 2000); Edward Ayers, *Vengeance and Justice: Crime and Punishment in the 19th-Century American South* (New York: Oxford University Press, 1984); Clayton E. Cramer, *Concealed Weapon Laws of the Early Republic: Dueling, Southern Violence, and Moral Reform* (Westport: Praeger, 1999); and David T. Courtwright, *Violent Land: Single Men and Social Disorder from the Frontier to the Inner City* (Cambridge: Harvard University Press, 1996). Many of these theories are buttressed by historical statistics showing elevated murder rates for the South as compared with other regions. However, the usefulness and reliability of such numbers has yet to be definitively established by scholars.

carefully distinguished between acceptable and unacceptable practices. As such, southern patriarchs ruled under significant social pressures to channel aggression in appropriate ways, i.e., in ways that did not threaten the larger practice of legitimate mastery. Discussions of marital cruelty in southern courtrooms revealed the extent to which the use of violence in domestic settings posed a dilemma not as easily answered as historians have heretofore believed. Mounting criticisms focusing on the treatment of enslaved dependents in the South made it all the more imperative that other dependents, white wives in this case, be protected from the exercise of improper mastery. As such, this study demonstrates that historians should exercise caution when pointing to the cultural construct of honor as an indicator of southern excesses in all areas of violence and cruelty.⁵

No one place or location will ever perfectly represent the diversity of an entire region. With this cautionary note in mind, Virginia was selected for inclusion in this work due to its position in the historiography as the quintessential southern state. The Old Dominion in the antebellum period was where centuries-old tradition met reformist social change seeping down from the North. Unfortunately, the racial analysis of cruelty in this work is shaped by the limitations of Virginia's legal records. The South refused to legally

⁵ Elizabeth Fox-Genovese, "Family and Female Identity in the Antebellum South: Sarah Gayle and Her Family," in *In Joy and In Sorrow: Women, Family, and Marriage in the Victorian South, 1830-1900*, ed. Carol Bleser (New York: Oxford University Press, 1991), 19-20; Steven M. Stowe, *Intimacy and Power in the Old South: Ritual in the Lives of the Planters* (Baltimore: Johns Hopkins University Press, 1987), 7; Ariela J. Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton: Princeton University Press, 2000), 47, 48(first quote); Wyatt-Brown, *Southern Honor*, 281(second quote). The dominant interpretation of honor is a gendered one which asserts that women served as audience members only. The danger of such an argument is that it threatens to relegate southern women to the sidelines of history. The usage of character or credit as the female parallel of honor, and as employed by Laura Edwards, is a far more helpful, and I would argue accurate, way to approach the subject of power relations in southern culture. Ayers, *Vengeance and Justice*, 29; Laura Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009), 112-113.

recognize the legitimacy of enslaved unions and, as a result, these relationships do not appear within cruelty divorce proceedings. This absence in the documentary record diminishes the potential for commentary on the marriages of enslaved men and women. However, much can still be learned about the southern racial order through an awareness of the ways in which Virginia's slave system coexisted alongside increasingly contractual understandings of domestic relations. Investigating the existence of multiple forms of violence and cruelty in the South does not diminish the impact that brutal enslavement had on the region. Instead, it reflects a need for scholars to move away from blanket generalizations as to the nature of discord. Approaching the historical problem of violence in the South from a comparative perspective and with a fresh set of questions "reveals patterns of violence that have remained hidden until now." It shows that marriages in the South were not excessively cruel or uncommonly peaceful. This leads us to wonder if the same could be said about antebellum frontier marriages.⁶

In American historiography, the frontier is the South's only rival for the notorious label of most violent. This reputation developed over time and built upon descriptions of ethnic clashes, environmental challenges, economic struggles, and demographic misbalances. A study of frontier divorce records reveals the extreme brutality of husbands and wives in Texas and especially Wisconsin. Texas was chosen for this study

⁶ Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill: University of North Carolina Press, 1982). Historians studying the antebellum family, marriage, and gender have found Virginia to be a useful site of inquiry, see Stowe, *Intimacy and Power in the Old South*. Works that comment on the existence of multiple Souths, include Cash, *Mind of the South*, viii; Peter Kolchin, *A Sphinx on the American Land: The Nineteenth-Century South in Comparative Perspective* (Baton Rouge: Louisiana State University Press, 2003), 4, 24, 39, 43; Vandal, *Rethinking Southern Violence*, 14 (quote); James W. Ely, Jr. and David Bodenhamer, ed. *Ambivalent Legacy: A Legal History of the South* (Jackson: University Press of Mississippi, 1984). Finding divorce records for free black families also posed a problem. Historian David Silkenat, in his study of divorce and debt in North Carolina, suggests that the legal process may have been cost prohibitive for free blacks. David Silkenat, *Moments of Despair: Suicide, Despair, & Debt in Civil War Era North Carolina* (Chapel Hill: University of North Carolina Press, 2011), 94.

because it allows for the test of an altered southern model. By 1845 settlers hailing from the South had established a firm grip on the state, yet they still dealt daily with challenges stemming from frontier conditions. Randolph Campbell and other historians identify these pre-Civil War settlers as southern transplants ready to establish a new Old South, with an active system of racial slavery, on Texas soil. However, this mission of manifest destiny only came to partial fruition.⁷

Transplanted Texans proved unable to replicate the foundation of shared family and marital values found in traditional southern societies, as exemplified by Virginia. Frontier life, as documented by Mark Carroll, heightened gender role instabilities to the point of creating alternate domestic arrangements. Being married proved to be an incalculable advantage in pioneer society, yet Texas husbands and wives felt uncertain as to what exactly that relation entailed. Faced with unforeseen environmental difficulties, Texas women often shouldered more of the labor burden while their husbands attempted to enforce older understandings of mastery. Not always the isolated and overwhelmed shrinking violets depicted by Joan Cashin, women on the southern frontier could be the victims or aggressors in marital conflicts. The record of their actions presented in court

⁷ Randolph Campbell, *Gone to Texas: A History of the Lone Star State* (New York: Oxford University Press, 2003), 110-111; Peter Bardaglio, *Reconstructing the Household: Families, Sex, and the Law in the Nineteenth Century South* (Chapel Hill: University of North Carolina Press, 1995); Terry G. Jordan, "Population Origins in Texas, 1850," *Geographical Review*, 59 (Jan. 1969): 83-103. Scholarly debates surrounding the nature of the frontier extend to the very usage of the term itself. Believing that the concept of frontiers is still a useful one, this dissertation employs the term. Historian Julie Roy Jeffrey provides a good definition of a frontier "as a place of cultural contact and interaction between groups." Frontiers also bring "culture into conflict with the environment." Julie Roy Jeffrey, *Frontier Women: "Civilizing" the West? 1840-1880* (New York: Hill and Wang, 1998), 6 (first quote), 12 (second quote). For additional historical works that explore the nature of frontiers, see John Mack Faragher, *Women and Men on the Overland Trail* (New Haven: Yale University Press, 1979). This dissertation considers both antebellum Wisconsin and Texas to be frontier states. For similar approaches see, Joan Cashin, *A Family Venture: Men and Women on the Southern Frontier* (New York: Oxford University Press, 1991); Mark M. Carroll, *Homesteads Ungovernable: Families, Race, Sex, and the Law in Frontier Texas, 1823-1860* (Austin: University of Texas Press, 2001); Angela Boswell, *Her Act and Deed: Women's Lives in a Rural Southern County, 1837-1873* (College Station: Texas A&M University Press, 2001); Mark Wyman, *The Wisconsin Frontier* (Bloomington: Indiana University Press, 1998).

leads this work to argue that gender role confusion clashed with a yearning for the traditional and resulted in the growing presence of cruelty in antebellum Texas homes. By the onset of the Civil War, a growing population pushed the state out of its pioneer period and ushered in a new set of domestic challenges.⁸

To more fully understand the nature of frontier discord and to address the concern, raised by Edward Ayers, that brutality in Texas during the antebellum period simply reflected “[S]outhern violence transplanted,” this study also examines marital relations in Wisconsin. Divorce records from the Midwest provide us with an indication as to what it meant to be cruel in a frontier society populated primarily by northerners and immigrants. Wisconsin in the 1840s and 1850s was a place characterized by ethnic clashes, harsh settlement conditions, constant inward/outward migrations, and developing legal cultures. For settlers hailing from New England, the Mid-Atlantic, and Europe, adaptation was an uncomfortable but necessary part of survival. However, the very process of settlement challenged the stability of gender roles, prompting much anxiety and violence. In light of these challenges, unhappy men and women struggled for mastery and its attendant ability to define the meaning and actual practice of duty in marriage. After all, Wisconsin men did not have a system of honor or the subordination of an enslaved people to bolster their domestic authority. And not all Wisconsin women believed that proper household relations required wives to assume positions of dependency and submission. These findings are significant because, as John Mack Faragher discovered in his study of Midwestern pioneer narratives, “the key...to an understanding of nineteenth-century marriage is an appreciation and evaluation of the

⁸ Carroll, *Homesteads Ungovernable*, 77, 81; Cashin, *A Family Venture*; Campbell, *Gone to Texas*.

place of sexual struggle in the social order.” Continuing the efforts of Faragher, this study contends that the role confusion found in Wisconsin fostered a heightened degree of brutality on the part of both men and women that supports an interpretation of the frontier as a site of extreme and pervasive violence.⁹

Focusing on Wisconsin also reveals how ethnicity shaped perceptions of discord. Of the three states studied Wisconsin was the only one where ethnic conflict repeatedly appeared in the records. The ethnic identity of a victim or perpetrator determined, to a great extent, whether their actions constituted acceptable behavior or cruelty. Based upon stereotypes, Wisconsin citizens argued that certain groups tolerated or even enjoyed pain more than others. For example, witnesses might testify that it was proper to make Norwegian women perform intense agricultural labors that might otherwise be considered cruel when forced upon a woman of New England heritage. In this way Wisconsin residents tried to control violence by exposing some individuals to poor treatment while protecting others. This work uses ethnicity as a category of analysis by highlighting those moments when the court participants themselves chose to focus on ethnic identity¹⁰

The institution of marriage has always been a lightning rod for public discussion. However, during the two decades covered by this study, 1840 to 1860, the conversations and controversies surrounding matrimony reached a fevered pitch. Historians have generally recognized this era as encompassing the principle years of the divorce debates, the formative period of the women’s rights movement, as well as the beginning of

⁹ Ayers, *Vengeance and Justice*, 12 (quote); Wyman, *Wisconsin Frontier*; Alice E. Smith, *The History of Wisconsin: Volume 1, From Exploration to Statehood* (Madison: State Historical Society of Wisconsin, 1973); Robert C. Nesbit, *Wisconsin: A History*, 2nd revision edition, ed. William F. Thompson (Madison: University of Wisconsin Press, 1989); Joseph A. Ranney, *Trusting Nothing to Providence: A History of Wisconsin’s Legal System* (Madison: University of Wisconsin Law School, 1999).

¹⁰ Smith, *History of Wisconsin*, 616; Wyman, *Wisconsin Frontier*, 197.

campaigns against cruelty in the United States. It was during this time that men and women across the country engaged in a struggle to determine what exactly it meant to be married. Hendrik Hartog and Nancy Cott, in their respective historical overviews of marriage, both describe the high stakes of these debates. After all, in the words of Hartog, “we need to remember how important being married was in nineteenth-century America.” The institution helped to regulate everything from labor relations to emotional stability. Because of its foundational role in society, any perceived threats or changes to marital norms brought to the surface fears of social chaos. Sensationalistic newspaper reports highlighting alternative relationship forms such as Mormonism or dramatic divorce trials only fed the growing anxiety felt by the general populace.¹¹

At the same time, marriage itself appeared to be transitioning from traditional patriarchal models to an emphasis on contractual relations. This new understanding threatened to upend domestic relations by diminishing the rights of husbands. Coverture, for example, started to disappear as a legal concept denoting a man’s outright ownership of his wife’s body. Affect, as opposed to force, was touted as the new hallmark of proper unions. Companionate marriage, described by Anya Jabour as a “loving partnership,” became the ideal. Under the terms of companionate relationships, both spouses emphasized the primacy of emotion over duty. Aided by Jabour’s fascinating and detailed study of one Virginia couple’s struggle to perfect their affective relationship, most scholars agree as to the outlines of what constituted the companionate marital ideal.¹²

¹¹ Hendrik Hartog, *Man and Wife in America: A History* (Cambridge: Harvard University Press, 2000), 11, 22 (quote); Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999), 8; Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2001), 50.

¹² Anya Jabour, *Marriage in the Early Republic: Elizabeth and William Wirt and the Companionate Ideal* (Baltimore: Johns Hopkins University Press, 1998), 5 (quote), 9; Reva Siegel, ““The Rule of Love”: Wife

However, the historical community remains at odds regarding the extent to which these ideas made their way into the daily lives of men and women. Some, such as Michael Grossberg, emphasize the ways in which antebellum relationships transformed to include a heightened recognition of feelings and the mutuality of enterprise. Robert Griswold, in his work on divorce in mid-nineteenth-century California, comes to a similar conclusion, arguing that “men and women from all social classes conceived of family relations in affective terms, placed a premium on emotional fulfillment in the family, considered women’s opinions and contributions worthy of respect and consideration, emphasized male kindness and accommodation....” Assertions such as the one made by Griswold have had the effect of lending credibility to the argument that all husbands and wives tried to implement companionate marriage wholesale.¹³

This work reaches a different set of conclusions and finds that husbands and wives fought to keep duty, not affection, as the focal point of their relationships. Simply put, emotions were a liability when survival was the priority. Marital cruelty was a violation of responsibility, not of love. But antebellum men and women did not abandon companionate notions entirely. Instead, they reshaped traditional understandings of duty to include an emphasis on mutuality and equality in labor roles. Focusing on local records reveals the degree to which higher court rulings did not always accord with day-to-day practices and beliefs. Of the states studied, the two known for their liberal divorce causes, Wisconsin and Texas, were the ones in which heavy labor burdens placed couples in a

Beating as Prerogative and Privacy,” *The Yale Law Journal*, 105 (June 1996): 2144-2145; Hendrik Hartog, “Lawyering, Husbands’ Rights, and the “Unwritten Law” in Nineteenth-Century America,” *Journal of American History*, 84 (June 1997): 67.

¹³ Robert Griswold, *Family and Divorce in California, 1850-1890* (Albany: State University of New York, 1982), 5 (quote); Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1985), 7, 9, 19.

defensive pattern, leading them to choose duty as the chief route to happiness. What mattered, in the end, was channeling emotion into productive processes. It is true that reformers advocated for marital affection, but they also cautioned spouses to maintain emotional control.¹⁴

In this period of competing marital norms, divorce offered a potential safety valve for unhappy spouses. As documented by Nancy Cott, the percentage of couples pursuing separations climbed in the years leading up to the Civil War, causing panic for many who viewed divorce as the death of marriage as an institution. Legal divorce in the nineteenth century was adversarial, requiring one spouse to find fault with the other. The general outcome of most cases fell into three categories: absolute divorce, *a vinculo matrimonii*, with permission to remarry; bed and board separations, *a mensa et thoro*, denying the right to remarry; or, no divorce granted, thus keeping the union legally intact. Divorce in the nineteenth century has been a topic of interest in the historical community for some time, yet there are relatively few substantial treatments of it. Those scholars who choose to explore the practice generally focus on legal developments, favoring policy formation above the personal. Norma Basch veered from this trajectory in the late 1990s by constructing a cultural history of divorce focusing on perception and belief, as exemplified by the ‘framing’ of separation cases. In a similar fashion to Basch, this work

¹⁴ E. Anthony Rotundo, “Body and Soul: Changing Ideals of American Middle-Class Manhood, 1770-1920,” *Journal of Social History*, 16 (Summer, 1983): 27. In his study of overland trail families, John Mack Faragher contends, “Indeed, nearly all the evidence one can marshal concerning the relations of Midwestern men and women suggests that the notion of companionate marriage was foreign to the thoughts and feelings of ordinary farm folks.” Faragher, *Women and Men*, 147-148. For the primacy of duty over emotion, see also Dawn Keetley, “From Anger to Jealousy: Explaining Domestic Homicide in Antebellum America,” *Journal of Social History*, 42 (Winter 2008): 269-297.

uses the process of divorce as an avenue through which to explore antebellum culture. It does not profess to be an in-depth treatment of marital law.¹⁵

However, conversations about cruelty emerged in tandem with the pursuit of separations, so it is important to understand the legal environment navigated by troubled spouses. Virginia owed a great deal to its English legal heritage and, as a result, adhered to a relatively conservative divorce model throughout the antebellum period. The legislature retained primary authority over the issuance of divorces until 1851 when this power passed to the courts of chancery. This transition mirrored a process occurring across the country as the constitutionality of legislative divorces became the subject of intense debate. Governed by principles of equity and fairness, Virginia courts gradually expanded the possible causes of divorce to include impotency, idiocy, bigamy, adultery, cruelty, just cause of bodily fear, abandonment, desertion, pregnancy at marriage, and criminal conviction/confinement. By the onset of the Civil War the Old Dominion had “neither the most permissive nor the most restricted list of grounds,” according to one historian.¹⁶

In antebellum Texas, Spanish civil law and English common law combined to create a uniquely Texan “subdialect of the American dialect of law.” This hybrid system did not recognize separate procedures for equity and law and instead gave the district

¹⁵ Cott, *Public Vows*, 48, 50; Francelle L. Blum, “When Marriages Fail: Divorce in Nineteenth-Century Texas,” (PhD diss., Rice University, 2008); Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986), 58; Basch, *Framing American Divorce*, 4.

¹⁶ Glenda Riley, “Legislative Divorce in Virginia, 1803-1850,” *Journal of the Early Republic*, 11 (Spring 1991): 66 (quote); Basch, *Framing American Divorce*, 48, 56; Thomas Jefferson Headlee, Jr., *The Virginia State Court System, 1776-* (Richmond: Virginia State Library, 1969); Salmon, *Women and the Law of Property*, 64, 71, 80; *Acts Passed at a General Assembly of the Commonwealth of Virginia [Acts of Virginia], 1826, 1840-1841, 1847-1848, 1852-1853*. For the most comprehensive treatment of divorce in the Old Dominion see Thomas E. Buckley, *The Great Catastrophe of My Life: Divorce in the Old Dominion* (Chapel Hill: University of North Carolina Press, 2002). Unlike this study, Buckley uses legislative petitions as his primary source base.

courts jurisdiction over general and criminal matters. In 1845 Texas entered the Union as a state that embraced married women's property rights, community property procedures, and liberal divorce grounds. These advances owed a great deal to the area's cultural history; however, frontier concerns also weighed heavily on lawmakers. They were torn between the dual needs of regulating marriage while at the same time maintaining sufficient flexibility in dealing with spousal conflicts. As a result, Texas district courts granted divorces based upon a set of causes designed to encompass a wide variety of matrimonial wrongs. Marriages were dissolved on the basis of adultery, abandonment, and "excesses, cruel treatment, or outrages." The open-to-interpretation "excesses" clause allowed judges and juries a great deal of leeway in determining the future of problem couples.¹⁷

Wisconsin joined the Union only three years after Texas, and by that time it had established a reputation as a territory with a liberal legal culture. Soon after statehood, the legislature passed a woman's property law and legislators repeatedly, and unsuccessfully, attempted to introduce full women's suffrage. It was also during this period that divorce transitioned from being a legislative and judicial process and came under the jurisdiction of the courts. Circuit judges heard the majority of divorce cases, and they could dissolve a union on the basis of a wide variety of grounds. The Revised Statutes of 1849 allowed for absolute divorce in situations of adultery, impotency, imprisonment for three or more years, willful desertion of at least a year, cruelty, or habitual drunkenness. Wisconsin lawmakers viewed marriage as a civil agreement, open to many possible violations. In

¹⁷ Lawrence Friedman, *A History of American Law* (New York: Simon and Schuster, 1973), 150 (quote); Edward Markham Jr. "The Reception of the Common Law of England and the Judicial Attitude toward that Reception, 1850-1859," *Texas Law Review*, 29 (1951); Joseph W. McKnight, "The Spanish Legacy to Texas Law," *American Journal of Legal History*, 3 (1959): 222, 299; Blum, "When Marriages Fail"; H. P. N. Gammel, comp., *Laws of Texas, 1822-1897; Texas Reports*.

addition, settlers to the state often brought with them contractual understandings of marriage that were made even more fluid by the influence of harsh living conditions. Divorce in antebellum America was not a private process but a public one that reflected the needs and desires of the community, state, and nation.¹⁸

Out of all of the possible grounds for divorce, marital cruelty was the focal point of much consternation and debate. When discussing legal cruelty, the conversations focused on where exactly to draw the line separating cruelty from insensitivity or abrasiveness. For the first quarter of the nineteenth century the vast majority of American judges and legislators were content to reference the 1790 English case of *Evans v. Evans*. In this ruling, Lord Stowell stated that legal cruelty required “a reasonable apprehension of danger to life, limb, or health.” Other forms of mental distress or “what merely wounds the feelings” were not admissible as cruelty. Stowell’s remarks gave a wide berth for chastisement, while still expanding English doctrine to include threats of violence. By mid-century, however, American courts began to depart from this model. As documented by Robert Griswold, “judges increasingly recognized that physical well-being could be injured by behavior far more subtle than physical blows.” The presence of catch-all indignities statutes, such as the one found in Texas, gave testament to the transitional nature of legal cruelty in antebellum America.¹⁹

¹⁸ Mark A. Stamp, “Wisconsin’s Marriage and Divorce Laws: A Historical Perspective” (ML thesis, University of Wisconsin, 1982); Elizabeth Pleck, *Domestic Tyranny: The Making of Social Policy Against Family Violence from Colonial Times to the Present* (New York: Oxford University Press, 1987), 55; Basch, *Framing American Divorce*, 48. An excellent treatment chronicling the development of Wisconsin’s legal culture can be found within Ranney, *Trusting Nothing to Providence*. This liberal legal tradition continued when, in 1866, Wisconsin became the first state to permit no-fault divorce, dissolving marriages after a voluntary separation of five years.

¹⁹ Joel Prentiss Bishop, *New Commentaries on Marriage, Divorce, and Separation as to the Law, Evidence, Pleading, Practice, Forms, and the Evidence of Marriage in All Issues on a New System of Legal Exposition, Vol. 1* (Chicago, 1891), 632-633 (first and second quotes); Robert Griswold, “Law, Sex, Cruelty, and Divorce in Victorian America, 1840-1900,” *American Quarterly*, 38 (Winter 1986): 726 (third

This movement towards an acceptance of the variable nature of cruelty owed much to the efforts of reformers. A new humanitarian sensibility developed over the first half of the nineteenth century and with it came increased attention to the problem of pain. Men and women began to differentiate necessary from unnecessary pain. Indeed, reformers hoped to restore bodily integrity to a wide ranging group of sufferers. As a result, the treatment of the enslaved, prisoners, children, wives, and even animals was called into question. In her recent work on the subject, Margaret Abruzzo astutely argues that cruelty became associated with “the needless and deliberate infliction of pain.” Cruelty reflected a human choice to reject civilizing influences and head down the path of savagery. Divorce litigants in the nineteenth century lived within a burgeoning culture of reform, even if they themselves did not openly agitate for change. Building upon the theoretical findings of Abruzzo, this work steps in to provide concrete examples of what average men and women considered to be “needless and deliberate” behavior in marriage. It asks: at what point did ‘acceptable’ chastisement in marriage shade into cruelty?²⁰ As the first multi-state comparative study of cruelty in the United States, this dissertation is uniquely positioned to address that question.

The historiography of family discord truly began in the 1970s with the ‘discovery’ of family violence. In the decade following, historians such as Elizabeth Pleck and Linda Gordon came forward with their studies of marriages and families in crisis. Pleck focused

quote), 729; Robert Griswold, “The Evolution of the Doctrine of Mental Cruelty in Victorian American Divorce, 1790-1900,” *Journal of Social History*, 20 (Autumn, 1986): 127-148; Hartog, *Man and Wife*, 90, 105, 116, 152.

²⁰ Margaret Abruzzo, *Polemical Pain: Slavery, Cruelty, and the Rise of Humanitarianism* (Baltimore: Johns Hopkins University Press, 2011), 6 (quote); Myra C. Glenn, *Campaigns against Corporal Punishment: Prisoners, Sailors, Women, and Children in Antebellum America* (Albany: State University of New York Press, 1984); Martin S. Pernick, *A Calculus of Suffering: Pain, Professionalism, and Anesthesia in Nineteenth-Century America* (New York: Columbia University, 1985); Elizabeth B. Clark, ““The Sacred Rights of the Weak”: Pain, Sympathy, and the Culture of Individual Rights in Antebellum America,” *Journal of American History*, 82 (Sept. 1995): 463-493.

on social responses to cruelty and traced policy developments from the colonial period to the late twentieth century. Gordon mined a difficult record base, the case files of two of Chicago's societies for the prevention of cruelty, and came to the conclusion that family discord "has been historically and politically constructed." Legal historians also entered into the fray as Robert Griswold published a series of articles exploring the judicial evolution of matrimonial cruelty in nineteenth-century America. In more recent years, scholars of marital discord have tried to re-focus attention away from policy and appellate decisions and back on local experiences, as exemplified by personal accounts of abuse. However, this attempt has only been partially successful. Indeed, many of the most useful descriptions of cruelty are still found within studies of divorce conducted by historians. Hartog, Basch, Cott, and others present some of the most compelling evidence of marital cruelty, yet the constraints of their subject does not allow them to deconstruct the actual incidents.²¹

Another problem within the cruelty historiography is that the great majority of works treat violence or cruelty by women as trivial, rare, or defensive. David Peterson del Mar produced one of the only monographs examining domestic violence in the nineteenth-century United States, but with his focus on Oregon, his work suffers from serious limitations. Peterson del Mar made the choice to exclude any discussion of violence perpetrated by Oregon wives. He defends this decision on the basis of the rarity of husband abuse. He also does not cover emotional or verbal abuse. These omissions reflect, I believe, his equating historical significance with representativeness. However, a

²¹ Pleck, *Domestic Tyranny*; Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence: Boston, 1880-1960* (Urbana: University of Illinois Press, 1988), 3 (quote); Griswold, "Evolution of the Doctrine"; Hartog, *Man and Wife*; Basch, *Framing American Divorce*; Cott, *Public Vows*.

person/place/thing does not have to be representative of the whole to be historically significant. Violence may have been, in the words of Drew Gilpin Faust, “gendered male,” but that only makes it all the more important to study those women who went against social conventions. Utilizing a gendered approach to cruelty, this dissertation explores what happens when we take women’s marital violence seriously. It also considers what it means for antebellum men to be victims of marital abuse. A significant influence on my work is Laura Edwards’s article, “Law, Domestic Violence, and the Limits of Patriarchal Authority in the Antebellum South.” In this concise and convincing essay, Edwards argues that women and slaves, both dependents, challenged the authority of white males in the South, thereby demonstrating the limits of patriarchy. When we expand the scope of our study beyond the South, we find that white women across the country were perfectly able, and often willing, to engage in cruel and violent acts, a point too often downplayed in the historiography.²²

Because marital discord was a taboo subject, it is quite difficult to find open and lengthy discussions of incidents of cruelty. Divorce records, in part, offer a solution to this problem in that they provide intricate accounts of disappointments in marriage. We, as historians, get an intimate glimpse of household dynamics as antebellum men and women came before the courts and placed the contents of their private lives on public display. It is necessary to approach these documents with the reasonable caution afforded to most historical records, but the advantages of working with case files far outweigh the

²² David Peterson del Mar, *What Trouble I Have Seen: A History of Violence Against Wives* (Cambridge: Harvard University Press, 1996); Drew Gilpin Faust, *Mothers of Invention: Women of the Slaveholding South in the American Civil War* (Chapel Hill: University of North Carolina Press, 1996), 63 (quote); Laura F. Edwards, “Law, Domestic Violence, and the Limits of Patriarchal Authority in the Antebellum South,” *Journal of Southern History*, 65 (Nov. 1999): 733-770.

possible drawbacks. I believe, in accordance with Nancy Cott, Thomas Buckley, and others, that divorce petitions “show the boundaries of normal marital expectations, just as actions construed as criminal indicate societal limits.” This work is based upon a database of more than 1,500 divorce records from antebellum Virginia, Texas, and Wisconsin. All of the cases studied come from the courts of original jurisdiction, making it possible to keep the focus on local processes and concerns. In addition, the database only included those petitions in which litigants or witnesses brought up allegations of cruelty. No attempt is made to quantify the exact numbers of cruelty cases filed in each county or state. After all, as Laura Edwards finds in her study of North Carolina legal culture, local court records are generally incomplete, thus “making quantitative analyses of the remaining material pointless.” When this concern is paired with the degree of unreported incidents of marital cruelty, even in divorce cases, it becomes clear that the best way to avoid numerical inaccuracies is to explore violence and abuse on the qualitative levels of description and perception.²³

The dissertation is organized thematically according to particular categories of marital cruelty. Chapter One explores verbal cruelty, including the particular meanings behind ethnic epithets and sexual rumors. Chapter Two focuses on physical cruelty and describes, in part, how cruel women used weapons to facilitate violence against their spouses. Chapter Three discusses sexual excess, notions of sexual propriety, and the transference of venereal diseases as cruelty. Chapter Four examines intemperance and

²³ Nancy F. Cott, “Eighteenth-Century Family and Social Life Revealed in Massachusetts Divorce Records,” *Journal of Social History*, 10 (Autumn, 1976): 21 (first quote); Edwards, *The People and Their Peace*, 23 (second quote); Hartog, *Man and Wife*, 317n4; Basch, *Framing American Divorce*, 194n8; Buckley, *Great Catastrophe*, 5-6; Ruth Bloch, “The American Revolution, Wife Beating, and the Emergent Value of Privacy,” *Early American Studies*, 5 (Fall 2007): 229.

marital cruelty, especially as related to interpretations of cruel neglect. Chapter Five, the final chapter, looks at third-party interventions in situations of marital discord, paying particular attention to local networks of rumor and report within the three states. The conclusion provides an overview of the comparative findings while suggesting additional ways to approach the study of American domestic discord.

Historians possess a significant amount of information regarding those couples who were trying to achieve the perfect companionate marriage, but we know substantially less about those spouses who were simply trying not to kill one another. This dissertation does not attempt to create a comprehensive picture of antebellum marital attitudes, but it does “sketch the outlines” of what it meant to be married in nineteenth-century America. Duty, not love, existed at the center of the marital relation, and cruelty was a violation of productive potential, not emotion. The work presented here is not a celebratory narrative but one which explores intimate violence in the context of regional stereotype. Rife with the influence of honor, the institution of slavery, and a conservative culture, the Old South is often depicted as more prone to violence than the rest of antebellum America. But my findings show that this dichotomy is overdrawn.²⁴

²⁴ Roderick Phillips, *Putting Asunder: A History of Divorce in Western Society* (Cambridge: Cambridge University Press, 1988), 340 (quote).

CHAPTER ONE

AS MUCH PAIN AS BLOWS AND KICKS:
THE VERBAL CRUELITIES OF HUSBANDS AND WIVES

Rebecca's marriage started off on an unpromising note. Shortly after saying "I do" to Robert Harper, she learned that on the very night of their wedding another woman, from the same county, stood waiting "all dressed with her family and guests" to marry him as well. This attempt at a dual-wedding outraged the couple's small Texas community and, living up to his reputation, Robert only played the part of a doting husband for a short time before revealing a cruel and violent disposition. Wandering around the house murmuring vulgarities and obscenities, he would burst into anger when even asked the most civil question, telling his wife, "not to speak to his head but to his --- --." If Rebecca combed her hair, Robert would come by and rumple it. If Rebecca was sick and in bed, Robert would order her to get up, pushing her if she did not move. Even when faced with her husband's ongoing attacks, Rebecca wanted to keep their marriage intact and attempted to bring about a reformation of his character.¹

Robert dashed all hopes of improvement, however, when he began to publicly defame his wife. While she still resided in his household, he placed notices in local newspapers stating that she had left his bed and board and now lived as a known adulteress. In addition, joining together with his father, Robert verbally abused Rebecca in private on a regular basis. On one occasion the two men called her a "whore" and "bitch" and then proceeded to charge her with committing adultery with her brother-in-law. They also declared that her mother "was a whore and that she had raised a large

¹ The above quote appears as it did in the original document with one word missing and replaced by a single line. *Rebecca Harper v. Robert Harper* (1859), DCTX-FC.

family of daughters to be whores.” Ignoring Rebecca’s sick condition at the time, the two men forced her out of the house, making her walk three miles on foot to her father for protection. Upon completing the long trek to her parental home, Rebecca initiated divorce proceedings with the goal of severing her three-month marriage. In her bill, she asked the court to recognize Robert’s words as not only slanderous, but cruel. After a short trial, the judge acknowledged the existence of verbal cruelty, found in Rebecca’s favor, and granted the separation.²

Drawing upon the spousal struggles of Rebecca and others, this chapter explores how antebellum men and women defined verbal cruelty in marriage. It asks: How were husbands and wives verbally cruel? Why were husbands and wives verbally cruel? And, it finds that the verbal attacks employed by spouses generally fell into three categories: epithets, character assaults, and threats. Antebellum husbands and wives used verbal barbs to draw attention to perceived deficiencies in their partner’s performance of marital duties. As a result, the vast majority of verbal attacks centered upon questions of labor or issues of sexual morality. This chapter contends that antebellum men and women believed that verbal cruelty occurred if a person could demonstrate a “reasonable apprehension” of physical injury based upon the comments of their partner. Cruelty also took place if the words of one spouse caused the other to sustain emotional distress that in turn crippled his/her ability to function in society. The chapter begins with a discussion of

² Ibid. A bill, or opening statement, was the first portion of a court case in which a plaintiff would describe their reasons for seeking a divorce and present any evidence that they possessed to the court. A bill could range in length from a single line to multiple pages. In legislative divorce proceedings, a plaintiff’s entire case was referred to as a “petition,” but the term petition was also used to describe the initial statement made by a plaintiff.

epithets before moving on to examine harmful accusations and threats directed at spouses.³

With the exception of linguistic studies that analyze the practices and origins associated with socially distasteful terms, the presence of foul language throughout history remains a subject primarily unexplored by scholars. Even treatments focusing specifically on cruelty only hint at the broader meanings and implications behind the use of words such as bitch, liar, and whore within the antebellum popular discourse. Historians are clearly aware of the existence of these terms. However, epithets tend to fade in importance and practically disappear when considered in conjunction with attacks of overt physical violence. A husband calling his wife a whore seems the less significant element of an assault in which he also chases her around the house with a knife threatening to “cut her in the guts.” The discussion below focuses on epithets and reveals patterns of usage and motive that hint at the gendered dynamics of antebellum marriages.⁴

³ Although “epithet” can simply refer to a word used for labeling, this chapter uses the definition of epithet as a term of derision. And, the full phrase of the above quote is, a “reasonable apprehension of danger to life, limb, or health,” as found within the Stowell opinion from the *Evans v. Evans* (1790) case. See Joel Prentiss Bishop, *New Commentaries on Marriage, Divorce, and Separation as to the Law, Evidence, Pleading, Practice, Forms, and the Evidence of Marriage in All Issues on a New System of Legal Exposition, Vol. 1* (Chicago, 1891), 632-633 (quote). Robert Griswold has produced the most informative articles on the transformation of perceptions of legal cruelty within the antebellum period. For examples of his work see Robert Griswold, “Sexual Cruelty and the Case for Divorce in Victorian America,” *Signs*, 11 (Spring 1986): 530 (quote); Robert Griswold, “The Evolution of the Doctrine of Mental Cruelty in Victorian American Divorce, 1790-1900,” *Journal of Social History*, 20 (Autumn, 1986): 127-148; Robert Griswold, “Law, Sex, Cruelty, and Divorce in Victorian America, 1840-1900,” *American Quarterly*, 38 (Winter 1986): 721-745. More information on the expansion of cruelty can be found within, John M. Biggs, *The Concept of Matrimonial Cruelty* (London: Athlone Press, 1962); Jane Turner Censer, ““Smiling Through Her Tears”: Ante-Bellum Southern Women and Divorce,” *The American Journal of Legal History*, 25 (Jan., 1981): 24-47.

⁴ *Alta McGehee v. Solomon McGehee* (nd), SHRL-OC (quote). For examples of linguistic studies of profanity and vulgarity, see Lars Anderson and Peter Trudgill, *Bad Language* (Cambridge: Basil Blackwell, 1990); Tony McEnery, *Swearing in English: Bad Language, Purity, and Power from 1586 to the Present* (New York: Routledge, 2006); Ashley Montagu, *The Anatomy of Swearing* (Philadelphia: University of Pennsylvania Press, 2001); Edward Callary, ed., *Surnames, Nicknames, Placenames, and Epithets in America: Essays in the Theory of Names* (Lewiston: Edwin Mellen Press, 2006). For historical

Across the three states studied, spouses often used epithets to enact not-so-subtle commentaries on the work habits of their partners. For disgruntled husbands, this generally meant emphasizing a woman's failure to behave properly as a productive wife. It was not uncommon for men to refer to their wives as "lazy trifling worthless & of no account." And, within that series, the term lazy made the most frequent appearance. Husbands employed this particular epithet out of an attempt to force their wives to conform to their ideas of what industrious, hard-working housewives should act like. However, in an interesting twist, the critiques made by these men implicitly recognized a woman's critical role in a household's success while also denigrating the extent of her efforts.⁵

The records demonstrate that frontier husbands, especially those residing in Texas, particularly relied upon epithets. "Lazy" and other derogatory terms served as tools that frontier men used to stress the ways in which their wives detracted from, instead of added to, the family's worth. Reeling from the clashing of transplanted southern gender ideals with the harsh realities of settlement, some Texas husbands gave vent to their frustrations via name-calling. The continuous presence of terms such as "lazy" in the court documents hints at the possibility that Texas husbands expected their spouses to take on even heavier labor loads while simultaneously not challenging their husband's position as master of the house. It was critical for Texas men to maintain

approaches to foul language, see Clara Ann Bowler, "Carted Whores and White Shrouded Apologies: Slander in the County Courts of Seventeenth-Century Virginia," *Virginia Magazine of History and Biography*, 85 (Oct., 1977): 411-426; David Peterson, "Eden Defiled: A History of Violence Against Wives in Oregon," (PhD diss., University of Oregon, 1993), 107; John Burnham, *Bad Habits: Drinking, Smoking, Taking Drugs, Gambling, Sexual Misbehavior, and Swearing in American History* (New York: New York University Press, 1993); Geoffrey Hughes, *Swearing: A Social History of Foul Language, Oaths, and Profanity in English* (New York: Blackwell, 1991).

⁵ *Nancy Nogues v. John Nogues* (nd), SHRL-OC.

marital mastery because, as historian Randolph Campbell has shown, the frontier lifestyle created circumstances in which women could “direct their lives in ways that were anything but docile and submissive.” While the courts were sympathetic towards women who suffered from the ill effects of name-calling, the isolated usage of epithets still did not make a husband guilty of marital cruelty.⁶

However, if a husband paraded his name-calling in a public way, a woman could pursue a cruelty ruling by emphasizing the physical consequences of mental anguish and embarrassment. Within their bills, injured wives recounted how insults especially stung when made publicly where other members of the community were placed in a position to evaluate a woman’s essential “value.” Take, for example, the case of Victoria Frederic who suffered from continual ridicule by her husband, Samuel. She recounted to the court how, after their marriage in March 1856, she expected them to live a peaceful and happy life together. Unfortunately, her dreams turned into nightmares shortly after the marriage as Samuel “disclosed an angry, turbulent & brutal disposition.” On one occasion, he even pointed a loaded gun at her and threatened to shoot. In addition to threats and physical violence, Samuel also emotionally crushed Victoria by proclaiming publicly and privately that “she was worthless & no value.” As she related to the Texas court, Samuel’s public comments caused her much “mental suffering” and damaged her quality

⁶ Randolph Campbell, *Gone to Texas: A History of the Lone Star State* (New York: Oxford University Press, 2003), 232 (quote). For additional information on labor relations in antebellum Texas households, see Angela Boswell, *Her Act and Deed: Women’s Lives in a Rural Southern County, 1837-1873* (College Station: Texas A&M University Press, 2001); Mark M. Carroll, *Homesteads Ungovernable: Families, Sex, Race, and the Law in Frontier Texas, 1823-1860* (Austin: University of Texas Press, 2011); Joan Cashin, *A Family Venture: Men and Women on the Southern Frontier* (New York: Oxford University Press, 1991). When she asked if she could have some new clothing, one Texas wife was rebuffed by her husband who, “abused her, reproached her with being lazy and worthless and said he would get her no other clothing but the coarsest and meanest such as Negroes wear, that he would get her brogan shoes.” See, *A. Henson v. John Henson* (1858), DCTX-SC.

of life. Fearing for her general welfare, Victoria fled their house after less than six months of cohabitation.⁷

Name-calling focusing on the nature of a woman's economic contribution could cause tension in a marriage, but the majority of epithets and accusations made by husbands towards wives centered upon issues of sexual morality. Out of all of the epithets directed at wives across the three states, the terms whore, bitch, and strumpet appeared the most frequently. All of these negative labels carried explicit, and nationally understood, connotations of sexual licentiousness. In a fashion similar to labor epithets, a husband could generally lob sexual insults at his wife with impunity within the confines of the private sphere. However, if he chose to regularly employ such comments in public arenas, he ran the risk of being accused of marital cruelty. The nature of these public 'performances' of verbal cruelty by husbands varied a great deal depending on the individual couple. In many cases, for emphasis and elevated drama, husbands would combine the above epithets with a "damned," such as when Texan Henry Carlisle drew a knife on his wife, threatened to kill her, and called her a "damned whore and strumpet." On other occasions, the base insult remained the same with the addition of a colorful cultural curse phrase. One husband, a former English citizen residing in Wisconsin, referred in public to his wife as a "bloody bitch." Vile terms of this ilk quite often served as the opening salvos of extended verbal attacks that would progress into detailed attempts at character defamation.⁸

⁷ *Victoria Frederic v. Samuel Frederic* (1856), DCTX-GoC (all quotes). For additional examples of labor insults, see *Elizabeth Ann Pratt v. John Pratt* (1855), DCTX-GoC; *Nancy Nogues v. John Nogues* (nd), SHRL-OC.

⁸ *Rhoda Carlisle v. Henry Carlisle* (1859), DCTX-KC (first quote); *Thomas Dowling v. Harriett Dowling* (nd), PLAT-IC (second quote). Sexual insults can be found within the following cases, see *Mary Falvey v. Jeremiah Falvey* (1860), SHRL-JC; *Eveline Evans v. Jackson Evans* (1854), SHRL-JeC; *Malvina Barden v.*

An accusation of illicit intercourse was the most serious allegation that a husband could level against a wife. As legal understandings of marital discord expanded in the late antebellum period, adultery accusations were increasingly recognized as satisfying the minimum threshold for a divorce on the basis of cruelty. In 1855, Texas Chief Justice John Hemphill authored an opinion in which he argued that false allegations of adultery made against a wife “undoubtedly” constituted “an act of gross cruelty.” Hemphill’s ruling existed as a forward-thinking acknowledgement of the extreme “mental pain and anguish” resulting from cruel words and of the need to penalize accusatory husbands, when possible.⁹

The story of Anne Souther, a Virginia wife, is illustrative of the damage wrought by sexual allegations. After tolerating almost two years of abuse by her husband, Simeon, she filed for a divorce on the grounds of cruelty and adultery. In the usual form, Anne claimed that she married her husband out of sincere attachment, but soon realized that he possessed a jealous demeanor. Shortly after the match, he began “to make the most

Ahira Barden (1861), SP-PC; *Mary Ann Avery v. James Avery* (1858), WW-RC; *Sarah Lewellin v. John Lewellin* (1837), LVA-Ly; *Anne Souther v. Simeon Souther* (1843), LVA-H. Concubine was also represented within Wisconsin court documents, see *Sally Baggs v. Horace Baggs* (1854), WW-WC. In modern usage “bitch” can also refer to a griping or nagging, but, in the antebellum period, I found no indication of these alternate meanings. In the nineteenth century, “bitch” carried with it certain connotations relating to female animal sexuality. On a related note, ethnic and religious epithets were most frequently found within Wisconsin’s divorce records. Due to ongoing Catholic/Protestant conflicts, the label “Catholic,” for example, was used in a pejorative manner within some divorce cases. Ethnic epithets were another related form of verbal cruelty. Aside from calling his wife a “damned bitch” and indulging in “crazy fits” in which he would tear her garments, Harvey Luther also verbally harassed his Native American wife in front of others. John Brown, a visitor in the house, recalled one instance where Harvey Luther chased Mary Luther up the stairs calling her a “damn squaw.” The reason for Harvey’s outrage, according to John, was that “he wanted to learn her to keep her place.” Therefore, calling her a “squaw” reminded his wife that she owed her social position to him and that, without him, she was nothing more than a member of one of the lowest social orders in Wisconsin. See, *Mary Jane Luther v. Harvey Luther* (nd), EC-EC. For additional ethnic and religious epithets, see also *Mary Kirby v. Silas Kirby* (1861), STO-DC; *Mary West v. John West* (1861), EC-EC. Geoffrey Hughes in his study of swearing finds that, “Racial or ethnic insults cover numerous categories, but have at their base some humorous, ironic, or malicious distortion of the target group’s identity or ‘otherness.’” Hughes, *Swearing*, 124.

⁹ H.P.N. Gammel, comp., *Laws of Texas, 1822-1897* (Austin, 1898-1902), II, 483; *Pinkard v. Pinkard*, *Texas Reports* (14), 355 (first quote); *Lucas v. Lucas*, *Texas Reports* (2), 112 (second quote).

insulting and unmerited charges against” her. For example, on one occasion a nearby neighbor ran into the Souther’s house looking for a missing dog. Simeon was not home at the time and the neighbor left without finding the dog. Anne thought little of this incident until her husband returned and accused her of “being together” with the said neighbor. Needless to say, Anne was shocked and outraged. But, even worse, Simeon was consistent in his allegations. He constantly accused her of committing illicit intercourse with anywhere from six to eight men. Simeon’s jealousy reached its height when he “prevented her from joining the church as she desired saying, ‘she designed it as a cloak for her wicked purposes [.]’ He said, ‘her reading the holy scriptures was only for the obscenity they contain.’” In his answer, Simeon admitted that he disliked the church but never forbade Anne from attending. He refused to comment on any of the other cruelty claims presented by his wife.¹⁰

Although many of the couple’s clashes took place in private, Anne still feared for the general damage inflicted upon her reputation. As aptly described by Laura Edwards and Ariela Gross, while white southern men possessed the right to perform and practice honor, white southern women claimed their own versions of honor through the concepts of “character” or “credit.” According to these interpretations, women gained credit by performing their familial roles in a proper fashion and avoiding any hints of societal deviance. A woman’s credit then determined how she was treated by the entire community. So, it made sense that Anne evinced concern regarding how her husband’s verbal attacks might alter her social standing. The couple’s neighbors recounted how Simeon rarely missed an opportunity to denigrate his wife in public. Without remorse,

¹⁰ *Anne Souther v. Simeon Souther* (1843), LVA-H.

he would call her sexual epithets, such as “Damned Old whore and old strumpet.” It eventually reached a point where Simeon’s public allegations required an equally public response. In the southern states studied, it was an unspoken societal rule that unchallenged accusations were true; therefore it was imperative that Anne defend herself or forfeit her character wholesale. As opposed to engaging in a war of words on the street, Anne took the civilized approach and filed a divorce petition. She would suffer some stigma contingent with pursuing a separation, but the court documents gave her an opportunity to present herself as a victim of cruelty as well. Anne recognized that she had to defend herself from her traditional defender, her husband.¹¹

Damaged wives also claimed that knowingly making false allegations of adultery constituted cruelty. Angry at being accused of being unfaithful with “several men,” Harriet Smith made sure to stress to the court that her husband “well knew” that his statements were “utterly false.” His charges “affected her character as a chaste & virtuous woman,” thereby, impairing her ability to fully function in society. According to Harriet, her husband behaved in a calculated manner and intended to destroy her life. Mentioning such calculations was important because an antebellum judge and jury might have felt inclined to excuse the cruelties if they believed that the statements fell under the same

¹¹ Ibid., (quote); Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982); Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009), 112-130; Ariela J. Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton: Princeton University Press, 2000), 47-49. For additional cases focusing on slander by husbands toward wives see, *Sophia Rohde v. J. Rohde* (1860), DCTX-GC; *James Henderson v. Louisa Henderson* (1852), DCTX-LC; *Nancy Jane Cundiff v. Calvin Cundiff* (1859), DCTX-ColC; *Eunice Bascom v. Emerson Bascom* (1857), RF-SCC; *Ann Rollins*, Van Buren County, (nd), WHS-WL; *Sarah Folly v. William Folly* (1847), LVA-Bo. In a fashion similar to Anne, other wives stressed the public nature of their husband’s verbal outrages. Mary Jane Ramey recalled that her husband’s “cruelty began, often in front of other persons,” with accusations of adultery. See, *Mary Jane Ramey v. Isaac Ramey* (1853), LVA-F.

premise as crimes of passion and stemmed from intense emotional anguish.¹² In contrast, intentionally making false statements demonstrated a desire to inflict crippling mental suffering on one's spouse, an outcome clearly recognized as cruelty across the three states studied. Acknowledging the importance of intent, men accused of verbal cruelty initiated damage control by gesturing towards their uncontrollable emotions. For example, Garland Mallory avowed that "out of fullness of the heart, the mouth spake." Admitting partial guilt, Mallory understood the true social injury caused by "cast[ing] an imputation upon" one's wife but, nevertheless, he resisted being labeled a cruel husband by the court.¹³

However, unlike Mallory, the records show that some men embraced verbal cruelty as a creative outlet for their marital frustrations. These men knew that their words would continue to haunt their spouses even if they made far-fetched allegations that were generally dismissed and immediately refuted by others. Robert Harper, of Texas, for example, charged his wife with committing adultery with her sister's husband, as she was a whore raised in "large family" of whores. Wisconsin citizen Caleb Creswell divided the entire community when he accused his wife of having an illicit connection with his own brother. In another case, Torrence Hughes, fueled by liquor, made a similar charge. He "publikcly & privately" accused his wife, the self-proclaimed daughter of a respectable Virginia family, of committing "incestuous intercourse with her own son, a boy then

¹² *Harriett Smith v. William Smith* (1847), LVA-Bo.

¹³ *Garland Mallory* (1850), Chesterfield County, LVA-VL (all quotes). Men were often believed to contain explosive emotionality, which could erupt upon conflict. See, E. Anthony Rotundo, "Body and Soul: Changing Ideals of American Middle-Class Manhood, 1770-1920," *Journal of Social History*, 16 (Summer, 1983): 27; Dickson D. Bruce, Jr., *Violence and Culture in the Antebellum South* (Austin: University of Texas Press, 1979), 8-9; Hendrik Hartog, "Lawyering, Husbands' Rights, and the "the Unwritten Law" in Nineteenth-Century America," *Journal of American History*, 84 (June 1997): 90, 93-94; Robert M. Ireland, "The Libertine Must Die: Sexual Dishonor and the Unwritten Law in the Nineteenth-Century United States," *Journal of Social History*, 23 (Autumn, 1989): 27-44; Francelle L. Blum, "When Marriages Fail: Divorce in Nineteenth-Century Texas," (PhD diss., Rice University, 2008), 147.

about 14 years of age.” Regardless of the truthfulness of the actual charge, residents documented that Hughes’s pronouncements continued to linger in the Campbell County air long after they were issued. As one witness to a divorce case stated, “such charges against a virtuous woman was like sending a dagger to her hart.” In honor-driven southern communities, a woman might flee to avoid future social stigma on the basis of false allegations. In Wisconsin communities, a woman’s reputation was also important as strangers settled near one another and used gossip as a means to create and enforce social order. As such, a label of troublemaker was almost impossible to shake off.¹⁴

Staying within the territory of sexual slander, cruel husbands could also expand on the epithets of “whore” or “strumpet” and give detailed accounts of their wives being prostitutes or contracting venereal diseases via prostitution. Following accusations of this nature, the marriage of Fredericka and Charles Nordhausen fell apart rather quickly. Married in June 1854, Fredericka filed for divorce citing cruelty less than a year later. She described how Charles, his mother, and his brother, would verbally abuse her, calling her whore and other false names. Looking in vain for Charles to defend her honor, Fredericka was alarmed when he instead publicly identified her as a prostitute and alleged that she was diseased with the clap. Charles, for his part, admitted the above incident to the court, but asserted that he spoke the truth. He claimed that it was only after marriage that he discovered his wife’s disease. And, to make matters worse, her infection resulted in a “noxious and sickening” smell so foul that he could not “come near or stay about her.” In an acknowledgment that Fredericka’s social life was ruined by the case and

¹⁴ *Rebecca Harper v. Robert Harper* (1859), DCTX-FC (first quote); *Caleb Creswell v. Elizabeth Creswell* (nd), WHS-WL; *Rebecca Hughes v. Torrence Hughes* (1841), LVA-C (second and third quotes). Sally was accused by her husband of “incontinence with his own brother,” which she vehemently denied, see *Sally Odineal v. Joel Odineal* (1857), LVA-Fr (fourth quote).

the accusations contained therein, Charles offered to pay to send her to Europe. We do not know if she accepted his proposal, but his actions indicate that he wanted to obliterate their marriage from memory. In this case, the truth of whether or not Fredericka did indeed have the clap is not as important as the community reaction to the allegations. Historians have documented how antebellum American gender ideals stressed female sexual innocence and passionlessness, therefore even allegations of prostitution and disease could ruin a woman's future possibilities.¹⁵

The evidence shows that communities possessed little tolerance for public displays of epithets and accusations by cruel husbands. To encourage the peaceful resolution of marital troubles and to guard against public disruptions, antebellum citizens mobilized certain defensive measures. Morality sections in local newspapers would instruct spouses to maintain emotional control at all costs. As *The (Clarksville, TX) Standard* in an article entitled "Guard Against Vulgar Language" admonished, "There is as much connexion between the words and the thoughts as there is between the thought and the words; the latter are not only the expression of the former, but they have a power to re-act upon the soul and leave the stains of their corruption there." This newspaper expressed the forward thinking opinion that verbal cruelty, even in private, was a public problem and, quite often, a precursor to serious physical violence. When assessing whether or not verbal cruelty had actually occurred, the community would often take into

¹⁵ *Fredericka Nordhausen v. Charles Nordhausen* (1855), DCTX-FC. See also, *Mary Hewitt v. James Hewitt* (nd), DCTX-GuC; *Mary Ann Avery v. James Avery* (1858), WW-RC; *Delia Tubbs v. Lyman Tubbs* (nd), OSH-WC. Husbands also made accusations questioning the paternity of children, see *Augusta Rhodius v. Christian Rhodius* (1861), DCTX-ComC; *Anna Rathaka v. Rathaka* (1859), DCTX-WC; *Sophronia Vincent v. William Vincent* (1857), WW-RC; *Jane Bell v. John Bell* (1860), PLAT-GnC. Husbands also made accusations of theft, see *Elizabeth Waid v. William Waid* (1862), LVA-FR; *Mary Parrott v. Samuel Parrott* (1860), LVA-O; *Queen Nogues v. J. Nogues* (1847), SHRL-JeC; *Mary Jane Stones v. Benjamin Stones* (1857), DCTX-WiC. For an historical discussion of ideals of female sexuality, see Nancy F. Cott, "Passionlessness: An Interpretation of Victorian Sexual Ideology, 1790-1850," *Signs*, 4 (Winter, 1978): 219-236.

account the intended audience. As part of the chivalric code of honor embedded in southern ideology and the general understanding of decency in the North, husbands were supposed to watch their language towards their wives, children, and other women. Serving in the role of protector, husbands were called upon to temper their passionate natures as a sign of respect for womanhood.¹⁶

Under these terms, John Pratt was no respecter of southern women or his wife. In her bill for divorce, Elizabeth Pratt enumerated her husband's physical and verbal cruelties, including hitting her in the mouth with a turkey leg, striking her in the forehead with a fire shovel, and calling her a "damn worthless bitch" in front of the neighbors. Elizabeth's sister, Jane, resided with the couple and wanted the court to note for the record that John was "harsh and very cruel in both words and actions." To drive her point home, Jane concluded by stating, "He treated her more like a slave than a wife." In another cruelty case, describing the harsh verbiage of a neighbor, Jacob Mason observed, "I should not suppose that all men or young men should use such language when ladies are present." In a similar fashion to many deponents, he declined for reasons of decency, respect, or simply lack of information to provide examples of the specific terms. But he was able to convey the general message that vulgar husbands were not socially acceptable anymore. However, it still fell to the wifely litigant to prove that the foul

¹⁶ *Clarksville (Texas) Standard*, 19 April 1853 (quote). Historian John Burnham describes how antebellum Americans "believed that swearing embodied tendencies to overturn good order and level propriety, to substitute roughneck for civilized restrained behavior." Burnham, *Bad Habits*, 213. For information on controlling emotions, see Rotundo, "Body and Soul," 27. As Bruce, Jr., states, controlling language was part of the overall southern male goal "to guide passion and put it to good use." Bruce, Jr., *Violence and Culture*, 8-9.

language in question not only caused emotional distress but actually resulted in tangible injury to her standing in society, thereby constituting cruelty.¹⁷

Drawing attention to the ways in which cruel words were just as harmful as physical abuse was one tactic employed by wives and deponents. Sally Baggs of Walworth County, Wisconsin, was just fourteen years old when she married Horace in 1847. In the seven years following he frequently refused to provide any household support, forcing her to take in sewing to pay for groceries. Known in the neighborhood for kicking his wife out on a regular basis, Horace's physical abuse in the form of choking, kicking, and hitting Sally reached the point to where neighbors intervened and filed an assault charge against him. But this did not stop Horace who, along with the physical attacks, made sure to swear at his wife whenever possible. Regarding his profanity, Sally commented that it had caused her "as much pain in her feelings as have his blows and kicks." A boarder in the household, Elvira Fairchild, agreed and added, "I think the language he used was worse than the blows he gave I should rather a man strike me than to call me such names as he called his wife." Sally's case rested upon the assertion that her husband's physical and verbal cruelties were one and the same. They both caused mental suffering and physical debility. Through her petition, Sally warned her peers that they would lose a productive member of the community if they failed to recognize Horace's cruelties and grant her a divorce.¹⁸

Sally and other wives called upon the courts to shield them from cruelty that surfaced as part of a man's nature and natural temperament. Antebellum society believed

¹⁷ *Elizabeth Ann Pratt v. John Pratt* (1855), DCTX-GoC (first, second, and third quotes); *Epharilla Fossett v. Lewis Fossett* (1845), LVA-R (fourth quote). For an example of mentioning the presence of children as a factor see, *Cornelia Blodgett v. George Blodgett* (1860), MIL-MC.

¹⁸ *Sally Baggs v. Horace Baggs* (1854), WW-WC.

that men biologically suffered from tendencies toward passionate behaviors. Mastery of one's emotions, therefore made one a capable master of others. However, not all men could harness their emotions into productive channels. Take, for instance, the case of a man whose continual reliance upon epithets led to his neighbors referring to him as the "swearing fellow." This "fellow" simply could not restrain himself and "his course was to speak well of nobody." And, in support of a divorce proceeding, community members related to the court how this man's wife was exposed to his swearing ways on a regular basis.¹⁹ When faced with allegations such as those found above, the husbands in question often turned the tables and accused their wives of wearing down their masculine restraint with constant nagging or harassment. They would claim that they only broke down and used terms regarded "by ears polite" as "low and vulgar" after "incessant and severe cross fire" from their wives. Regardless of the excuses presented, antebellum judges and juries appeared to have felt little sympathy for those husbands suffering from uncontrollable cruel passions. They were especially concerned about those cases that hinted at the possibility of escalating violence.²⁰

While some women sought out ways to escape from their husband's verbal attacks, other wives were the ones accused of committing verbal cruelties. As historians have shown, the verbally cruel wife in antebellum America joined a long historical tradition of women using their tongues to challenge, as Terri Snyder has argued, "traditional political and domestic authority." Through the very act of speaking up in a negative way, a wife contested her husband's ability to govern dependants and "gave lie"

¹⁹ *Joseph William Balthis v. Rebecca Ann Balthis* (1857), LVA-S (all quotes). Sarah Randall described how her abusive and profane husband "did not appear to exercise any control over his passions." *Sarah Randall v. Sydney Randall* (1855), WW-WC.

²⁰ Hartog, "Lawyering, Husbands' Rights, and the "Unwritten Law,"" 90, 93-94.

to his pretensions of absolute mastery. Southern husbands, in particular, could ill afford to have their authority questioned so openly. It was perhaps for this very reason that the records show almost no Virginia wives accused of committing verbal cruelties in marriage. As honor depended on the display of mastery, the cost of pursuing such cases was too great for the husbands in question. Protecting one's manhood in Virginia meant privately dealing with a wife's unruly tongue or providing more egregious evidence for a divorce. So, verbally aggressive wives undoubtedly existed in Virginia marriages, but their stories do not make it into the available records.²¹

If we turn our attention to the frontier communities of Wisconsin and Texas, we find divorce cases focusing on the actions of verbally cruel wives. In particular, husbands presented complaints alleging that their wives would refer to them in animalistic ways. Edward Luxton, a Milwaukee man, found no solace with his wife as she, aside from neglecting her household duties, bit and pinched his arm, all the while calling him a "beast and brute." His bill went on to lament that she has "frequently told him to shut up his head."²² When a wife called attention to a man's beastly nature, this charge could be perceived as cruelty as it mocked what many men considered to be a real internal struggle. Historians studying antebellum manhood, including Anthony Rotundo, have argued that men during this period fought to "achieve an inner balance between the

²¹ Terri Snyder, *Brabbling Women: Disorderly Speech and the Law in Early Virginia* (Ithaca: Cornell University Press, 2003), 3 (quote); Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996); Victoria E. Bynum, *Unruly Women: The Politics of Social & Sexual Control in the Old South* (Chapel Hill: University of North Carolina Press, 1992), 14. As discussed in a later chapter, Virginia's wives could on occasion turn physically violent, but even within these cases the verbal onslaught preceding an assault of this type is missing.

²² *Edward Luxton v. Christine Luxton* (1856), MIL-MC. Other women were labeled cruel because they chose to maintain a silent attitude towards their husbands, see *C.R. Nutt v. Sarah Nutt* (nd), DCTX-KC; *Lewis v. Lucinda Lewis* (1858), SHRL-OC; *Albert Johnson v. Nancy Johnson* (1856), DCTX-HC; *Fredericka Nordhausen v. Charles Nordhausen* (1855), DCTX-FC; *Hiram Foster v. Harriett Foster* (1863), WHS-DC; *George Harris v. M. E. Harris* (1849), WHS-DC.

civilized and the primitive” within their daily lives. They were supposed to be powerful, yet also restrained. Therefore, in their divorce petitions, husbands often claimed that wives committed cruelty when they criticized a man’s attempts to civilize his internal savage beast.²³

Frontier husbands also described how their wives relied upon another manner of attack, namely applying cruel labels intended to ruin or destroy a man’s moral and financial standing in society. Liar, scoundrel, swindler, rogue, blackguard, villain, rascal, and thief appeared the most often in the petitions, answers, and depositions. Each of these terms implied that a man possessed a faulty moral compass. They also suggested that the wife in question had had her trust violated in some way. For John Miller it appeared as if his wife Eliza believed that his constant trips between Texas and their original home in Alabama were leading him to disregard his duties in their household. Henry McNealy, who lived with the couple as an overseer, overheard a conversation in which Eliza suggested that her husband “did not govern his family.” In addition, Eliza’s public verbal cruelties, including calling John a liar and a fool, did not begin until he first visited Texas. Of course, Eliza’s implications proved particularly harmful because John was trying to establish himself in a new community, and his honor was critical to that goal. He needed people to know that his word was his bond, and his wife calling him a liar in public did not aid in that cause. As Ariela Gross notes, even the appearance of lying

²³ Rotundo, “Body and Soul,” 27. To capture the essence of this struggle, Pleck titled one of her chapters in her general work on domestic violence as “The Pure Woman and the Brutish Man.” Elizabeth Pleck, *Domestic Tyranny: The Making of Social Policy Against Family Violence from Colonial Times to the Present* (New York: Oxford University Press, 1987).

could damage a man's honor irrevocably. Being "given the lie" was a tragedy indeed for any man.²⁴

In addition, wives committed cruelty if they publicly or falsely accused their husbands of sexual deviancies. Interestingly enough, in the opposite scenario as discussed above, society did not generally consider it cruel for a woman to accuse her husband of extramarital dalliances. A man's reputation, whether in Wisconsin or Texas, could withstand, or even embrace, a straightforward adultery accusation. On the contrary, false or public allegations that suggested extreme sexual indulgence or sexual deviance were problematic and cruel. Therefore, Evra Barzak was cruel when she called her husband a "whoremonger." And Almira Brown behaved cruelly when she included "whoremaster" in a stream of insults to her husband. Almira may, or may not, have been responding to her husband calling her a "dirty whore." For added emphasis, wives would often pair these epithets with "old" as in "old whoremaster" or "you old devil." The implication being that a husband was no longer fit and able to maintain his duties in the relationship, especially providing for the family, as compared to a younger man.²⁵

Some women continued with their insults and accusations until the point of suggesting outright physical impotence. While living in East Texas, Harriet Brewer not only called her husband impotent and other "foulest names and epithets," but she also deserted him to cohabit with one William Taylor, who lived only 300 yards from her marital home. Seeking to reclaim his manhood, Harriet's husband filed for divorce on the

²⁴ *John Miller v. Eliza Miller* (1858), DCTX-AC (first quote); Gross, *Double Character*, 47 (second quote), 49. For examples of these terms, see *Eveline Wade v. David Wade* (1854), DCTX-FC; *Eleana Blair v. Jane Blair* (1855), DCTX-GoC. See also Karen Halttunen, *Confidence Men and Painted Women: A Study of Middle-Class Culture in America, 1830-1870* (New Haven: Yale University Press, 1982), 26, 48.

²⁵ *Stephen Barzak v. Erva Barzak* (1860), DCTX-AuC (first quote); *Almira Brown v. Thomas Brown* (nd), WHS-DC (all other quotes).

grounds of cruelty, adultery, and desertion.²⁶ In late 1850s Dallas County, Elisha Lovell came to court precisely to defend his mastery and to cut off an unruly dependent, his wife Mary Ellen. He made the trip to court after learning that she had circulated scandalous reports about him in their community. In particular, she had told their friends and neighbors that her husband “had tried on several occasions to make her cohabit with one M. A. Durrell a neighbor for the purpose of raising an heir” as he “was physically unable to beget one.” Elisha made sure to let the court know that he had had several children by a former wife, therefore Mary Ellen was clearly acting out of an “utter want of love or even respect for him.” James Brewer and Elisha Lovell came before Texas courts out of an effort to reassert their compromised manhood. Their honor demanded that they respond promptly to the allegations made by their partners because “a mere statement” whether “true or untrue” was “among strangers” enough to injure a man’s reputation and bring scandal upon him.²⁷

Husbands and community members alleged a wide variety of motives that inspired vitriol-tongued wives. They would quite often point to nature and the fact that some wives, in a similar fashion to the husbands described previously, simply possessed “quarrelsome & abusive tongue[s].” In fact, when one Fayette County, Texas, judge delivered his orders to the jury in a divorce proceeding, he cautioned, “It would not only be farsical and ridiculous but extremely dangerous to the morals and well being of society

²⁶ *James Brewer v. Harriet Brewer* (1851), DCTX-NC.

²⁷ *Elisha Lovell v. Mary Ellen Lovell* (1859), DPL-DC (first and second quotes); *John McElroy v. Elizabeth McElroy* (nd), DCTX-AC (third quote). Additionally, an accusation of incest could result in irreparable character damage. A widow with three children, Christian Streapa married Sophia in May 1850. She immediately focused her abuse on the children, driving them from the house. Not content with breaking up his family, Sophia determined to break his spirit as well. She “filled with malice and vindictiveness” did “falsely & wantonly charge” her husband “with the foul & horrible crime of incest with his own daughter, see, *Christian Streapa v. Sophia Streapa* (1856), DCTX-AuC. See also, *William Smyth v. Martha Smyth* (1842), ETRC-SAC; *James Dickson v. Eleanor Dickson* (1843), DCTX-ColC; *Moses Townsend v. Rebecca Townsend* (1857), DCTX-ColC.

to allow a divorce for every little manifestation of temper and indulgence in ill natured harsh or abusive language, particularly by a woman.” According to this judge, a woman’s words, while admittedly cruel, did not always meet the legal qualifications for cruelty because such language was almost to be expected as part of the marital package. Even though they would face difficulties in securing divorces based upon a woman’s harsh words, husbands from Wisconsin and Texas still presented cases centering upon verbal attacks. They stood a better chance at success if they could demonstrate a pattern of verbal abuse or if they could hint at the possibility of future physical violence. Thomas Dickinson of Dallas County, Texas, believed that his wife’s abuse and mistreatment emerged out of her general “malignity of feeling” towards him. He offered no additional explanation. Another Dallas husband, Elisha Lovell, described how his wife called him a villain and blackguard and confessed that “she did not love him, she wished she had not married him and she would not live with him much longer.” For the antebellum period, historian Norma Basch has observed that, “Men, no less than women, gave evidence of suffering unrelenting psychological cruelty.” However, emotional injury alone was not sufficient to warrant a divorce on the grounds of cruelty.²⁸

Therefore, husbands emphasized the ways in which a woman’s verbal cruelties could compromise a man’s ability to rule his household. Verbal attacks that took place in front of other dependents were considered to be particularly problematic. Although the stresses associated with mastery in a slave society did not weigh upon them, the two following complaints by Wisconsin husbands hint that they too, like their southern

²⁸ *Simeon Barton v. Mary Barton* (1853), VRHC-JC (first quote); *Eveline Wade v. David Wade* (1854), DCTX-FC (second quote); *Thomas Dickinson v. Mary Dickinson* (1859), DPL-DC (third quote); *Elisha Lovell v. Mary Ellen Lovell* (1859), DPL-DC (fourth quote); Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999), 124 (fifth quote).

counterparts, felt the need to exert unblemished authority over their household and business dealings. They understood, as Stephanie McCurry states, that “Dependence was the stuff of which independence-and manhood were made.” Albert Bowker came to the court alleging that his wife “commenced a course of cruel conduct” within the past two years (after almost two decades of marriage) and refused to let him manage his household affairs. Aside from neglecting the washing and mending, she “has been in the constant habit of interfering with & preventing plaintiff from governing & correcting their children and addressing to him in their presence the most abusive vulgar and insulting language.” Neighborhood witnesses came forward to corroborate Bowker’s account, stating, “I never saw a woman treat her husband so unkindly & cruelly.” However, just when the case seemed quite clear, Mereda Bowker delivered her answer and admitted that she did interfere with his management of the children, but only when it was necessary due to his “brutal & inhuman” treatment. As such, she defended herself by asserting that her cruelty was not cruelty at all because of her primary motive of protection of the helpless and the prevention of Albert’s cruelties.²⁹

Julius Strauss, a blacksmith from Milwaukee, in his answer to his wife’s petition for divorce, provided evidence as to his own understanding of cruelty. Quickly passing over the fact that he had been fined \$25 for a physical assault against his wife, Julius moved on to describe how Anna would come into his shop, which was attached to the house, and abuse him in front of his laborers. She would call him names and “also abused & assailed said workmen in like manner” so much so that he “had great difficulty keeping them in his employ.” In a state of growing frustration, he determined to lock the door

²⁹ *Albert Bowker v. Mereda Bowker* (1863), WHS-DC; Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1995), 72 (quote).

against her because he had reached his limit of tolerance as a “man of passions as other men, and sensitive to and impatient of abuse, though from the hands or lips of his wife.” Aside from annoyance, he claimed that his wife’s actions prevented him from earning a proper living. Julius and Albert presented stories of mastery under attack, and looked to other men in their communities for sympathy and assistance. After all, they argued, the problem of unruly dependents was an issue that affected all men, regardless of position.³⁰

So far this chapter has discussed verbal attacks ranging from sexual and labor epithets to accusations of adultery. Within all of the cases, injured husbands and wives had to not only show emotional distress, but an impaired quality of life if they hoped to win a divorce on the grounds of verbal cruelties. Judges and juries hoped to protect the productive potential of individuals by recognizing the connections between emotional, social, and physical damages. The third category of verbal cruelty found within the records, threats, lent itself quite easily to cruelty rulings on the basis of “reasonable apprehension” of physical injury. After all, as Jane Turner Censer finds, “Intrinsically cruelty was not the act, but its motives and effects.” And if a threatening statement created a fear of bodily harm in the recipient, then it satisfied the threshold for cruelty. According to the premise of the law, threats of imminent danger severely reduced quality of life. The recognition of this category of cruelty reflected a desire on the part of judges and juries to respond to these threats before the action alluded to was actually carried out. As such, threats were viewed as the type of verbal cruelty that was as close as possible to

³⁰ *Anna Catharine Strauss v. Julius Strauss* (1855), MIL-MC. In her study of symbols of hypocrisy in nineteenth-century America, Karen Haltunnen describes how northern men also felt it necessary to defend their reputation in the public sphere. This show of sincerity and character was particularly important in situations in which a man was surrounded by many strangers, as was the case in early Wisconsin. Haltunnen, *Confidence Men and Painted Women*, xvi, 48.

physical violence. And, not surprisingly, threats appeared in a majority of the court cases examined for this study.³¹

The regulation of threats against wives assumed particular importance as the nineteenth century progressed due to a growing discussion focusing on the physical consequences of anxiety. Popular and medical literature from the antebellum period described how a woman's body was exceedingly frail in composition. Following this logic, even the smallest hint of discord could wreck havoc on a woman's overall health. As historian Mary Poovey describes in her study of the antebellum medical profession, because of women's perceived "greater delicacy and sensitivity...it seems hardly surprising that doctors thought women were subject to a bewildering array of physical and emotional disorders." In accordance with this interpretation, wives within the court records attempted to clearly demonstrate how the foreboding words of their spouses not only ruined their daily quality of life but also left them unfit to perform the simplest of tasks. One example of anxiety-induced debility comes from the case files of Charlotte Cowen. Charlotte appeared before the court and recalled how her husband would, when intoxicated, take up an axe, hold it above her, and proclaim his intention to split her head open. His actions led to Charlotte's existence being "one of continual uneasiness anxiety & misery." Years later and across the country, Isabella Clark complained that her husband's verbal cruelties and personal violence left her "prey to constant anxiety." For wives such as Isabella, the historical evidence demonstrates that the settlement conditions

³¹ Censer, "Smiling Through Her Tears," 35 (quote). In addition, husbands and wives also tended to resort to the same category of threats if they found them to be particularly effective. So, if a threat itself was cruel, the repeated application of it only escalated the anxiety on the part of the recipient. Elizabeth Blair Clark, "The Inward Fire: A History of Marital Cruelty in the Northeastern United States, 1800-1860," (PhD diss., Harvard University, 2006), 71; Bishop, *New Commentaries*, 632-633.

found within frontier Texas and Wisconsin were stressful enough without the addition of abuse. Anxiety was also a concern for general society because it was widely believed that women such as Charlotte and Isabella might have trouble bearing children as a result of cruelties. Historians of sexuality and the body reference how “The uterus, it was assumed, was connected to the central nervous system.” Therefore, the cruel words of a husband could potentially endanger the life not only of a wife but of her future unborn children.³²

The general threat to take a spouse’s life, made by both husbands and wives, was frequently found within the court records. A threat against a person’s life was, at its core, a simple way to instill fear. Petitioners also relied upon life-threatening statements because they satisfied the legal definition of cruelty, at the most fundamental level, while requiring only minimal detail. Based upon court documents, it appears as if this particular type of threat was tossed around fairly freely within unhappy marriages. The daughter of one Texas couple related to the court how her father threatened “so frequently” to kill her mother “that I cannot remember all the times and places it was a common threat used

³² Mary Poovey, ““Scenes of Indelicate Character”: The Medical “Treatment of Victorian Women,” in *The Making of the Modern Body: Sexuality and Society in the Nineteenth Century*, ed. Catherine Gallagher and Thomas Laquer (Berkeley: University of California Press, 1987), 146 (first quote); *Charlotte Cowen v. James Cowen* (1846), PLAT-GnC (second quote); *Isabella Clark v. Matthew Clark* (1858), LVA-Wa (third quote); Carroll Smith-Rosenberg and Charles Rosenberg, “The Female Animal: Medical and Biological Views of Women and Her Role in Nineteenth-Century America,” *Journal of American History*, 60 (Sep., 1973): 335 (fourth quote). See also, *Hanna Smith v. Albert Smith* (1847), DCTX-NC; Clark, “Inward Fire,” 82. A Texas man’s diary recalled how an Indian raid in central Texas sent “Women crying and gathering their children together and seeking the safest retreat.” Jonathan Hamilton Baker Papers, 1858-1932, CAH. A Wisconsin man’s memoir described how his mother went gradually insane with her “chief hallucination...that the entire family was going to starve...she refused food, and for more than three months, was fed forcibly.” Jacob and Jacob T. Foster Papers, 1847-1929, WHS. Microfilm. For additional studies regarding women’s health and well-being, see Helen Lefkowitz Horowitz, *Rereading Sex: Battles over Sexual Knowledge and Suppression in Nineteenth-Century America* (New York: Alfred A. Knopf, 2002), 5, 13; Carroll Smith-Rosenberg, “The Hysterical Woman: Sex Roles and Roles Conflict in Nineteenth-Century America,” *Social Research*, 39 (Winter 1972): 652-678; Elaine Showalter, *The Female Malady: Women, Madness, and Culture in England, 1830-1980* (New York: Pantheon Books, 1985); Griswold, “Law, Sex, Cruelty,” 726.

almost daily.” Not content with simply declaring their general intentions, cruel husbands and wives would often try to emphasize their murderous intentions. Peter Madden, for no reason his wife could later understand or relate, drew his knife and declared that he would “have her [his wife’s] life if he had to die the next minute, and that no person could stop him.” Other husbands would go into even more specific detail, providing an exact time for their planned assault. Nancy Hilburn of Texas and Catharine Crandall of Wisconsin both lived with husbands who declared at various points that “murder would be done before night” and murder would happen “at the dead hour of night.” For Nancy and Catharine, cruelty no doubt brought many sleepless nights.³³

Although we commonly associate threats with firearms or knives, the records indicate that many cruel spouses leveled threats in which their bodies would serve as the weapon of choice. A husband could hint at his lethality, for example, by saying that he would “stamp the life out” of his wife. Or, he could indicate a desire to damage the facial area of his wife. Married in the fall of 1854, Christy and Evan Mattison of Wisconsin never lived peacefully together. Evan became a habitual drunkard, coming home from binges and striking, kicking, and calling his wife names. During one brutal encounter, Evan attacked Christy all the while promising “that he would smash her face so she could not talk any more.” The graphic image of brain injury also appeared with regularity within the records. One man threatened to “smash” his wife’s “head almost every night.” However, it would be a mistake to assert that only men proved capable of threatening

³³ *Elizabeth Ann Pratt v. John Pratt* (1855), DCTX-GoC (first quote); *Ann Madden v. Peter Madden* (nd), PLAT-IC (second quote); *Nancy Hilburn v. John Hilburn* (1861), DCTX-EC (third quote); *Catharine Crandall v. John Crandall* (1859), WHS-DC (fourth quote). For a sample of general threats to life see, *Rosinah Westcott v. Russel Westcott* (1860), EC-EC; *Jane Filkins v. Henry Filkins* (1862), WHS-DC; *Margaret Gieseke v. Charles Gieseke* (1852), DCTX-ColC; *Milly Newsome v. Etard Newsome* (1859), DCTX-CC; *Milly Perdue v. Isaiah Perdue* (1855), LVA-Fr.

severe violence. Women also swore that they would “beat out the brains” of their husbands. The extent to which these wives followed through with their comments will be seen in the following chapter.³⁴

Aside from creatively worded warnings, cruel spouses particularly favored threatening their partners with imminent bodily harm while using ‘traditional’ weapons as props. Traditional, in this case, can refer to the use of a knife or gun, as opposed to a weapon of opportunity, such as a heavy spoon or water pitcher. Antebellum judges and juries viewed these types of interactions as particularly worrisome because only a thin line separated a deadly threat from murder itself. Consider, for example, the case of Ann Chick, a Virginia wife tortured by her threatening and often outright violent husband, Littleton. Aside from inflicting blows on Ann and their children, Littleton developed a pattern in which he regularly threatened to cut Ann’s throat. In these moments of terror, he would “hold a knife in one hand” and a lump of her hair in another and “threatened and indeed seemed earnestly endeavoring to cut her throat.” She generally escaped his potentially deadly embrace aided only by her “state of terror and alarm.” Her husband also tended to get extremely upset over seemingly trivial occurrences. In one situation, he was sick and requested a pillow, which she handed him. Then, he yelled that he did not want a pillow, so she asked what he did want. He jumped up, “took a knife out and swore he would cut her throat.” She ran to another room in the house where she happened to

³⁴ *Nancy Culbreath v. Greer Culbreath* (1851), LVA-Me (first quote); *Christy Mattison v. Evan Mattison* (1861), PLAT-IC (second quote); *Catharine Gill v. William Gill* (1860), PLAT-LC (third quote); *John A v. Sarah A* (1846), WW-WC (fourth quote). Some cruel spouses even relied upon animalistic overtones to achieve the ultimate dramatic effect. According to the information provided by their spouses both Chaney Luce, of Wisconsin, and Margaret Morris, of Texas, threatened to take the lives of their partners and to “drink his [and her] hearts blood.” In a similar vein, Ella Bartlett’s husband continued his course of tyrannical conduct by hitting her with fists and sticks, as well as threatening to cut her heart out. These images seem to connote that spouses were simply animals to be slaughtered at will. *Alexander Morris v. Margaret Morris* (1851), DCTX-CC; *Polly Luce v. Chaney Luce* (1851), WHS-DC. *Ella Bartlett v. Clark Bartlett* (1857), PLAT-GC.

meet arriving visitors who “saved her.”³⁵ An interesting aspect of Ann’s bill is that the image of cutting a throat was a dramatic one. The spouses, more often than not husbands, who relied upon this threat intended it to have an exaggerated effect, as compared to a threat to stab, which may or may not be immediately life threatening. In her study of domestic violence in mid-nineteenth-century New York, Pamela Haag describes how verbally assaultive husbands tended to “underscore an unnegotiable right over wives and control of the private sphere by reveling in their capacity to determine the very life and death of their families.” Men such as Littleton wanted to make clear their level of control: they could take a life at will.³⁶

A knife threat undoubtedly escalated the level of tension within marriages. Three cases, out of many, from Wisconsin are illustrative. One woman, married to a confirmed drunkard, described how she had been turned out of doors on numerous occasions. However, even her home was not a haven as her husband “had a knife hid with a standing threat that he would kill [her] with that knife.” Almost a decade later, another Wisconsin wife lamented to the local circuit judge how her husband, also a drunk, would torment her when “he took out his pocket knife and began to sharpen it and threatened to kill” her. For Lucinda Benson’s husband the use of a knife was intended to cause anxiety of a

³⁵ *Ann Chick v. Littleton Chick* (1847), LVA-A (all quotes). For other Virginia knife threats, including threats to cut throats, see *Harriett Smith v. William Smith* (1847), LVA-Bo; *Epharilla Fossett v. Lewis Fossett* (1845), LVA-R; *Eliza Hughes v. William Hughes* (1859), LVA-R. A sample of other traditional and weapons of opportunity not discussed within the text, but which appear within the records include: axe, hatchet, whip, hammer, razor, scissors, hand saw, and broom. See, *Melzena Short v. M. Short* (1853), DCTX-GoC; *Lucinda Curliss v. John Curliss* (1860), MIL-MC; *Margaret Hand v. Jeremiah Hand* (1856), PLAT-GC; *Christiana Wadkins v. Samuel Wadkins* (1852), DCTX-WiC; *Celia Ann Bailey v. Thomas Bailey* (nd), OSH-WC; *Mary Corbett v. William Corbett* (nd), PLAT-IC; *Cornelia Ann Rossiter v. Charles Rossiter* (nd), MIL-MC; *Mary Moore v. Peter Moore* (1854), WW-WC; David Peterson, “Wife Beating: An American Tradition,” *Journal of Interdisciplinary History*, 23 (Summer 1992): 106; Clark, “Inward Fire,” 51.

³⁶ *Eliza Martin v. James Martin* (1858) LVA-He; Pamela Haag, “The ‘Ill-Use of a Wife:’ Patterns of Working-Class Violence in Domestic and Public New York City, 1860-1880,” *Journal of Social History*, 25 (Spring, 1992): 463 (quote).

different type. Charles Benson wanted his wife to know that if she ever revealed his general cruelties to anyone, he would kill her. The couple only managed to live together for a few months, and he “disregarded the feelings and happiness” of Lucinda the entire time. She finally was forced to flee to a relative in February 1850 when he drew a knife on her and threatened that if she ever told anyone about his treatment of her, “she would tell it but once before he would stop her.” In these situations, husbands employed very traditional weapons to elicit a very expected emotion, terror. This description of threats involving weapons would be remiss if it did not include a mention of the importance of guns and angry words. The divorce papers show that across all three states, cruel husbands quite often leveled threats with firearms in hand. The standard story included a man loading a pistol or shotgun and aiming it at his wife, often accompanied by cruel statements, many described in this chapter.³⁷

Although wives were far less likely than husbands to resort to threats with traditional weapons, it was still possible. Those wives who grabbed a knife or gun to threaten their husbands were, unknowingly, broadening the understanding of cruelty during the period. The cruel woman with a weapon was not able to be identified on sight. She could be anybody. For example, the *Daily Milwaukee News* described how “a rather good looking woman, with a fur cape, black velvet cloak, clear teeth, brown hair, and a nervous looking eye, went into a gun shop down town, and purchased a neat little

³⁷ *Kiley v. Kiley* (1852), SP-PC (first quote); *Elizabeth McCoy v. John McCoy* (1861), PLAT-LC (second quote); *Lucinda Benson v. Charles Benson* (1850), PLAT-LC (third and fourth quotes). For other knife threats in Wisconsin, see *Josephine McKensie v. Allen William McKensie* (1862), GB-KC; *James Craton v. Susan Craton* (1850), PLAT-GnC; *Frederick Witte v. Wilhelmina Witte* (1864), EC-EC; *Clarenda Pitkin v. Oren Pitkin* (1846), WW-WC; *Cornelia Blodgett v. George Blodgett* (1860), MIL-MC. For other knife threats in Texas, see *James Brewer v. Harriet Ann Brewer* (1851), DCTX-NC; *Rhoda Carlisle v. Henry Carlisle* (1859), DCTX-KC; *Augusta Rhodius v. Christian Rhodius* (1861), DCTX-ComC; *Catherine Peltzer v. Adam Peltzer* (1860), DCTX-ColC; *Euphama Cobb v. David Cobb* (1857), DCTX-FC.

revolver, and was particular to learn how to load and fire off the institution.” Evidently, with “wrath in her countenance,” the newspaper editor was certain that she was off to shoot and kill somebody. Lacking the physical force to carry out their threats, other women took up knives to emphasize their dangerous intentions. After four years of marriage, John Fowler of Texas decided to divorce his wife Eliza. Aside from using “vexing” language and proclaiming that she could no longer love him, Eliza decided that she wanted him to leave his own house. Grabbing a knife in her hand in a threatening manner, she told him that “she was one of the sort that would stick the knife into him.” Clearly, John claimed, he could not live with that “sort” of woman and required a divorce.³⁸

While certain women handled weapons to their advantage, the records show that many wives included excessive weapons-carrying as fitting within the boundaries of marital cruelty. The very presence of weapons was enough to cause anxiety and terror within the hearts of many women, as in the case of Dorcas Nelson, a Virginia resident. She married Moses Nelson in 1851. They immediately set off to visit his relatives in Tennessee, and it was on this trip that Dorcas “first discovered in part the true character of her husband.” Upon arriving at the family home, her husband’s brother took her aside and avowed “that her husband was a dangerous man and advised” her “to endeavor to induce” him “to “lay aside his deadly weapons, with which he was constantly armed.”

³⁸ *The Daily Milwaukee News*, 13 Jan. 1859 (first and second quotes); *John Fowler v. Eliza Fowler* (1858), SHRL-JeC (third and fourth quotes). A Virginia wife, Nancy Flinn, also placed herself in the doorway of the house with a knife in hand and threatened to stab her husband if he entered. *Nancy Flinn v. James Flinn* (1844), LVA-F. One Texas wife grabbed “a certain fork (being a dangerous weapon),” which she threatened her husband’s life with and said she would, “plunge it into his black heart.” *Wallace v. Thomas Wallace* (1853), DCTX-GoC. Historian Jeffrey Adler describes how murderous wives of the early twentieth century were not social outcasts, but, rather, “lived-and killed-within the boundaries of proper society.” Adler, *First in Violence, Deepest in Dirt: Homicide in Chicago, 1875-1920* (Cambridge: Harvard University Press, 2006), 87.

Following the brother's advice, she requested a disarming, which her husband absolutely refused. Upon the couple's return to Virginia, Dorcas was in such a state of fear that she convinced her husband to agree for them to move in with her father so that she would be afforded some protection. The situation only worsened, and Moses abandoned her in 1854; but up until that point "her life was one of continual fear and trouble" due, in part, to her husband's habit of constantly carrying deadly weapons on his person. Although she never alleged that her husband actually made a statement about using the weapons against her, which weakened her legal case, Dorcas believed her husband was cruel because of the constancy with which he armed himself. He was never without a firearm. This resulted in Dorcas being unable to relax and enjoy a normal home environment. Because "he thought every body was his enemy," she was forced to bear his anxieties as well as her own. The court agreed and granted the divorce.³⁹

While husbands in all three states declared their right to possess arms of various sorts on their persons, their wives cited cruelty to make claims to the contrary. Descriptions abound in which men are described carrying around "a gun, ax, cutting knife, & other weapons" on their persons. On occasion the information would include exactly the type of type of knife, clasp-bladed, etc., or style of gun, "five or six shooter."⁴⁰ In response to these allegations, husbands replied that they carried weapons for specific, useful purposes. Garland Mallory, a Virginia resident, in response to his wife's cruelty petition, stated that he carried a revolver "not to take his wife's life, but to

³⁹ *Dorcas Nelson v. Moses Nelson* (1856), LVA-Wa.

⁴⁰ *Rebecca Hughes v. Torrence Hughes* (1840), LVA-C (first quote); *Mary Poe v. Andrew Poe* (1849), MIL-MC (second quote); *Jane Bonner v. Robert Bonner* (1858), DCTX-AuC. For an analysis of weapons possession in the "back country culture," see Clayton E. Cramer, *Concealed Weapon Laws of the Early Republic: Dueling, Southern Violence, and Moral Reform* (Westport: Praeger, 1999), 17-18, 35; Haag, "The 'Ill-Use of a Wife,'" 463.

protect her virtue.” He even went so far as to surrender his bowie-knife to his wife with “lamb-like meekness” upon her request, thus clearly indicating that she never stood “in great peril” from him. For Garland, his revolver and knife were symbols of his manhood, therefore he could only submit partially to his wife’s demands of disarmament.⁴¹

In court, wives could, and did, present arguments that the presence of deadly weapons violated the sanctity of the domestic sphere. Susan Menefee, of Virginia, complained that her husband was in the habit of shooting off firearms within the house. He answered that he did shoot a gun out of the bedroom window but only to “scare off a pack of wild dogs.” In this situation, it is clear that Susan would have preferred Banks to pursue this impulse out of doors. One Wisconsin boarder recalled how the couple who owned the house he boarded in would quarrel on a regular basis. He went on to assert that cruelty clearly occurred when the husband “when in his cups” would “load his rifle, and pistols, and stride up and down his room, and conduct himself like a madman.” Needless to say, this boarder was happy to leave after two-and-a-half months. In particular, wives would complain that their husbands brought weapons to bed on a regular basis. One Botetourt County, Virginia, husband was in the habit of carrying “weapons about his person” that he then took “with him to bed at night, with a view, either to alarm or terrify” his wife. Ira Hall, a Wisconsin resident, would take his gun to bed and “has slept with the same in his arms thus loaded with powder and ball all night.” John Cooper “placed a razor under the pillow of their bed” for the purpose of intending to take his wife’s life. In stereotypical Texas fashion, Anton Leitenberg took a “large bowie knife” into bed in order to “frighten and intimidate” his partner. These ‘weapons violations’ bred

⁴¹ *Garland Mallory* (1850), LVA-VL. See also, Spragins Family Papers, 1809-1967, VHS.

anxious wives because they could imagine no other purpose for firearm use in the house, much less keeping a gun in the intimate space of the bed, except to harm them. And, as the moral guardians of the domestic sphere, women felt uniquely positioned to ask for an end to these behaviors. They argued that the presence of weapons made it difficult for them to create a peaceful and calm household, one of the principle tasks allotted to their sex. However, husbands usually refused to compromise on this ultimate sign of manhood.⁴²

Just as the presence of weapons could alarm wives, the threat of poisoning seemed to strike fear into husbands. By the antebellum period, the possibility of poisoning hovered in the southern air and coincided with a growing fear of slave defiance. According to the rumors, slaves, often in charge of preparing food, could dispatch plantation owners with relative ease. Historians will never know the exact number of individuals who lost their lives in this way; but it was this context that, in part, made threats of poisoning a particularly efficacious form of wifely cruelty. After their wives had made a poisoning threat, husbands, in order to avoid a painful death, would refuse to drink or eat food prepared by their wives. As such, one man left the coffee brewed by his wife untouched. Another wife let it be known that “she would in a certain contingency (in case she should again become pregnant)” poison her husband and their two children. She also would pour “vitrial” in her husband’s eyes while he was sleeping.

⁴² *Susan Menefee v. Banks Menefee* (1854), LVA-F (first quote); *Susannah Horner v. Ezra Horner* (nd), SP-PC (second quote); *Sarah Folly v. William Folly* (1847) LVA-Bo (third quote); *Caroline Hall v. Ira Hall* (nd), WHS-DC (fourth quote); *Almira Cooper v. John Cooper* (1856), MIL-MC (fifth quote); *Marg Leitenberg v. Anton Leitenberg* (1857), DCTX-FC (sixth quote). See also, *Joset Idell v. Isaiah Idell* (1865), GB-OC; *Mary Hall v. John Hall* (1859), DCTX-HC; *Jane Prisk v. Samuel Prisk* (1854), PLAT-IC; *Josephena Caney v. John Caney* (1861), EC-EC; Barbara Welter, “The Cult of True Womanhood: 1820-1860,” *American Quarterly*, 18 (Summer, 1966): 151-174. One wife in the records also brought weapons into the bedroom. Thomas Currier was actually forced to sleep in another room after she “took his ax and put it in the bed where they slept.” *Thomas Currier v. Theresa Currier* (1862), WHS-DC.

The anxiety and stress caused by these toxic threats led one man to declare that, “if the cruelty had not been extreme I should not know what extreme cruelty would be.” When wives made poisoning threats, they pointed out their husband’s vulnerability stemming from a woman’s domestic role. And, as a result, they gained extra maneuvering room in the marriage. Few men would order a wife to cook dinner if they feared she would poison the food.⁴³

Petitioners would also come before the courts citing a spouse’s threats to burn down the home as a form of cruelty. The twenty-three-year-old son of Betsey and Archibald Carter described how his father was “very quarrelsome” and said “he would burn the house and run away by its light.” This was after his father piled all of the family’s bedding and curtains on the floor and attempted to burn them. Burning the house would not only possibly kill the entire family but generated the specter of total property loss and poverty. Men understood that a woman without any real or personal property faced a difficult road ahead, especially if she was without familial resources. This threat was taken very seriously by Virginia’s courts and records from the Eastern State Hospital show female patients admitted due to insanity caused by the progression from threats of

⁴³ *S. C. Miles v. E. Miles* (1850), LC-MC (first quote); *William Farnham v. Elizabeth Farnham* (1846), Rock County, WHS-WL (second quote). For information on these southern anxieties, see William A. Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia* (Chapel Hill: University of North Carolina Press, 2003), 52-54; Yvonne P. Chireau, *Black Magic: Religion and the African American Conjuring Tradition* (Berkeley: University of California Press, 2006), 69-70; Philip J. Schwarz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865* (Baton Rouge: Louisiana State University Press, 1988), 204-206. See also, *Henry Eaton v. Jane Eaton* (1860), STO-DC; *John Tabor v. Maryette Tabor* (1851), WW-WC; *William Warren v. Melvina Warren* (1859), WHS-DC; *Mary Bauden v. Joseph Bauden* (1861), PLAT-LC; *Anna Catharine Strauss v. Julius Strauss* (1855), MIL-MC; *James Walkinshaw v. Delila Walkinshaw* (1852), SHRL-JC; *John Hayes v. Rebecca Hayes* (1859), SHRL-JC; *George Nixon v. Ellen Nixon* (1854), DCTX-AuC; *Charles Haswell v. E. Maria Haswell* (1857), DCTX-FC; *Susan Menefee v. Banks Menefee* (1854), LVA-F.). One of the only husbands who used a poison threat was Augustus Gardner of Wisconsin who said that he would “as soon poison her [his wife] as to poison a dog.” *Rachel Gardner v. Augustus Gardner* (1859), WHS-DC. Another form of verbal cruelty not discussed in this chapter was the threat of suicide, see *Emily Gorton v. Laurentine Gorton* (1859), STO-PC; *James Latimer v. Latimer* (1855), VRHC-JC; *Lucinda Smith v. Samuel Smith* (1854), WW-RC; *Mary Richmond v. Oliver Richmond* (1859), SP-PC; *Seth Marquissee v. Lucinda Marquissee* (1846), WW-WC.

burning the house to physical violence. Marital duty required that a husband providing basic goods for his family, so cruel men could turn the threat of abandoning these responsibilities into a way to leverage for more power in the relationship. After bearing sixteen children over more than two decades of marriage, Mary Crowell described in her bill how her husband, Joseph, used just such a threat. He “expressed an intention to sell his property and abandon her, leaving her penniless.” It was an idle threat in this case; he never left. Nevertheless, Joseph’s statement served to remind his wife of her subordinate place in the relationship. He could cause her physical pain, which he did. But he could also injure her by wrecking her chances of survival.⁴⁴

In addition, husbands could frame threats around child injury or removal. William Crawford was a local drunk who failed to support his family and would leave for intervals of time with no notice. When he was home, Martha, his wife, continually avoided any close physical contact with him due to a fear of harm to her or her child. Upon returning home from one of his drunken sprees, William even “threaten[ed] to tear the child from her arms and dash its brains out against a tree.” These threats resulted in Martha filing for divorce. She was seriously concerned that in a fit of drunken rage he might carry out his threats and kill her and her child. Although the wife might be the primary caretaker of a child, a husband could quickly demonstrate that he was still the most important authority figure in a child’s life. Threats to remove a child from a mother’s custody were viewed as cruel during the antebellum period. Recognizing that a woman’s mobility was somewhat limited, her husband could also threaten to take the

⁴⁴ *Betsey Carter v. Archibald Carter* (1863), EC-EC (first quote); *Mary Crowell v. Joseph Crowell* (1859), LVA-Wa (second quote). See also, *A. Henson v. John Henson* (1858), DCTX-SC; *Elizabeth Fitzgerald v. Samuel Fitzgerald* (1860), LVA-Ly; *Horace Cashman v. Sarah Cashman* (1857), PLAT-GnC; Eastern State Hospital Patient Register, 1853-1854, LVA.

children to a far off locale, such as Georgia. These threats represented attempts to make it clear to women that motherhood was a privilege granted to them by their husbands.

Threats of this nature were deemed cruel because they flew in the face of an increasing recognition of the significance of the mother's role, as evident by the rise of custody decisions favoring mothers.⁴⁵

While threats could arise out of seemingly random situations, spouses often used them to encourage their marital partners perform certain tasks. For example, a husband could tell a wife to leave the home and never return, or else. The "or else" aspect of the threat quite often involved a death by shooting or some other means. Isaac Farrell of Frederick County, Va., kept a gun ready in case his wife returned to the house, refused to leave, and "needed" to be shot. According to witness accounts, a Wisconsin man, Samuel Galbreath, carried a gun on his person and "said that he had long intended to kill her [his wife] and that he would do so unless she should quit the house and leave him within a specified time which he named." Galbreath and others were also accused of failing to provide necessary goods for their families, so perhaps forcing their wives to leave was a way for them to drop all appearances of marital obligation. The fact that they threatened violence to achieve these aims, however, made their behaviors cruel.⁴⁶

Across all three states, husbands and wives cited a spouse's temper as a one of the principal contributing factors behind the marital verbal cruelties discussed in this chapter.

⁴⁵ *Martha Crawford v. William Crawford* (1856), LVA-Sm (first quote); *Emmaline Craddock v. Hugh Craddock* (1862), LVA-Be. For removal threats, see *Lucinda Latham v. Silas Latham* (1854), LVA-Be; *Margaret Bryant v. William Bryant* (1857), LVA-Roc. Richard Chused in his study of Maryland divorce found that at the turn of nineteenth century, the legislature started to award women custody. Women were seen as primary moral role models and caretakers. Additionally, "The legislative links between women and their children were strong." Richard H. Chused, *Private Acts in Public Places: A Social History of Divorce in the Formative Era of American Family Law* (Philadelphia: University of Pennsylvania Press, 1994), 68; Censer, "'Smiling Through Her Tears,'" 43.

⁴⁶ *Margaret Farrell v. Isaac Farrell* (1841), LVA-Fre (first quote); *Eliza Galbreath v. Samuel Galbreath* (1843), PLAT-GC (second quote).

This emphasis on tempers deserves a quick treatment at this point but will also be a theme carried throughout later chapters. In particular, husbands called wives to task for possessing frightful and cruel tempers. Within court papers, a reference to a wife's temper did not always require additional explanation in order for it to be taken seriously. It was understood that temperamental women, otherwise known as shrews or scolds, could hound their husbands until the men, in a similar fashion to the threatened wives, lived in a constant state of anxiety. However, men's reactions usually combined anxiety with annoyance. Their wives' temper held more of a danger to their mental state than to their well-being in a physical sense. References to a woman's temper could describe it as "high" or "bad" or "violent" or "ungovernable." Women with high tempers were not calm and soothing in accordance with womanly ideals. Women with bad or violent tempers could be prone to making physical assaults. Women with ungovernable tempers were a danger to society's hierarchal structure, wherein a wife should always be obedient. By describing a temper as ungovernable, husbands admitted their own failure to govern their households and invited the entry of other men into their domestic sphere.⁴⁷

It was believed that a wife's cruel temper could lead a man to destruction. In a treatise on family government, one author described how a man who was "industrious, sober, temperate, and entirely amiable" was driven to drink by his wife. The man proved "mistaken" in his choice of wife and "wedded a lovely form, but it enshrined the temper of a demon." Men also claimed that part of the damage wrecked by a woman's temper

⁴⁷ For examples of woman's tempers, see *Sylvester Beverly v. Mary Beverly* (1857), LVA-Wi; *Polly Cox v. Jordan Cox* (1859), LVA-Ch; *George Mayhew v. Mary Mayhew* (1858), LVA-Be; *Ellender Arrington v. Arthur Arrington* (1854), LVA-Fr; *Nancy Weatherford v. Henry Weatherford* (1843), LVA-Me; *Willard Minot v. Phebe Minot* (1856), PLAT-GC; *John Fritz v. Betsey Fritz* (1860), WHS-DC; *Eleanor Clover v. Thomas Clover* (nd), WHS-DC; *Horace Cashman v. Sarah Cashman* (1857), PLAT-GnC; *Matthew Hallas v. Elizabeth Hallas* (1858), WHS-DC; *Stephen Barzak v. Erva Barzak* (1860), DCTX-AuC; Wyatt-Brown, *Southern Honor*, 228; Snyder, *Brabbling Women*, 3, 10.

was that it brought out the cruel side of men as well. L.D. Spragins recalled how after “being provoked by an incessant and severe cross fire” from his high-tempered wife, he then “may have used expressions that were not very witty or fashionable and that might have been regarded by “by ears polite” as “low and vulgar.”” Hence, his wife’s cruelty drove him to vulgarity. Charles Yearout also admitted that his wife’s “exceedingly peevish and fretful” demeanor led to him using “abusive language” towards her. Other men would respond with physical violence, but that will be discussed in the following chapter. Emotionality, seen as a female weakness, taken to the extreme could lead to an irascible temper.⁴⁸

Interestingly enough, the problem of a woman’s temper was not unsolvable. Treatise and newspaper writers expounded that cruelty, in this case, was avoidable. To prevent the development of an unruly temper, a wife should exercise constant diligence with respect to her own emotions. She should focus on her wifely duties as opposed to romantic longings. *The Young Wife’s Book* cautioned that “continued differences and bickering will undermine the strongest affection,” therefore, “a wife cannot be too careful to avoid disputes upon the most trivial of subjects.” Of course, trivial is a subjective term and the husband defined it in these cases. To achieve a peaceful marriage, “Every wish, every prejudice must meet with attention, and the first thought of a woman should be the pleasing and providing for her husband.” Under these instructions, a wife pursuing any

⁴⁸ James O. Andrew, *Family Government, Or Treatise on Conjugal, Parental, Filial, and Other Duties* (Richmond: John Early, 1848); Spragins Family Papers, 1809-1967, VHS; *Mary Yearout v. Charles Yearout* (1858), LVA-Fl; *Sally Dowell v. Richard Dowell* (1854), LVA-W; *John Allridge v. Charlotta Allridge* (1861), LVA-Wa. It was also discussed within the records that a woman’s temper, and her inability to be controlled, was also a sign of insanity. Ellen Crandall, admitted to the Mendota Mental Hospital in Wisconsin by her husband was prone to want “to have her own way.” Her husband lamented that, “I cannot manage her at all.” Admissions Records, 1860-1908, 1935-1968, Mendota Mental Health Institute, WHS. Margaret Hoss, also of Wisconsin, was “mentally deranged and...extremely bad tempered.” *William Hoss v. Margaret Hoss* (nd), SP-PC.

other focus than her husband's needs ran the risk of developing, and displaying, an unwomanly temper.⁴⁹

It should be stated that concerns about men's tempers also appeared with regularity within cruelty cases. While women were cautioned to cultivate pleasant dispositions, men were told to control their passionate natures. Essentially, in all three states, those husbands who could not regulate their own tempers were unfit to lead separate households full of dependants. As one treatise author argued, "He is an unworthy head of household who cannot control his own temper, who is constantly breaking out with angry remarks." Cruelty, as elaborated in divorce cases, was the natural outcome of an uncontrolled masculine temper. A Wisconsin wife recalled how her husband "was a man of violent ugly temper, got mad quick, when he had no reason for it, got mad very often...He would get so mad he couldn't help himself." In the process of court proceedings, male deponents would act as expert witnesses in the use of mastery over self, pointing to the moments when husbands "did not appear to exercise any control" over their brutal passions.⁵⁰

This chapter opened by asking: how and why were antebellum husbands and wives verbally cruel? And, it has shown that verbal marital cruelties could take a variety of forms. Epithets, character attacks, and threats used by spouses demonstrated the degree to which marriage was often an ongoing power struggle. Cruelty was a tool that

⁴⁹ *The Young Wife's Book: A Manual of Moral, Religious, and Domestic Duties* (Philadelphia: Carey, Lee, and Blanchard, 1838), 216. A Dallas newspaper, in an article entitled, "Woman's Temper," cautioned wives to, "Above all things...cultivate a sweet and amiable temper. It is this that makes home happy." *Dallas Herald*, 15 June 1859. A Matagorda, Texas, newspaper asserted that, "An ill-tempered, quarrelsome woman is a nuisance on the earth." *Matagorda Gazette*, 5 Feb 1859.

⁵⁰ Robert Morris, *Courtship and Matrimony* (Philadelphia, T. B. Peterson, 1858), 333, (first quote); *Emily Berndt v. Louis Berndt* (1863), OSH-WC (second quote); *Sarah Randall v. Sydney Randall* (1855), WW-WC (third quote). See also, *Ellen Campbell v. Sylvester Campbell* (1859), CCWI-RC; *Jane Filkins v. Henry Filkins* (1862), WHS-DC; *Amanda King v. Edward King* (1855), LVA-Me; *Joseph William Balthis v. Rebecca Ann Balthis* (1857), LVA-S.

antebellum spouses employed to control the behavior of one's partner. However, society on the whole did not sanction verbal cruelties. In particular, judges and juries were sympathetic to claims by injured spouses alleging crippling emotional distress or a "reasonable apprehension" of physical injury. They believed that words could, and did, hurt.

CHAPTER TWO

QUIVERINGS OF AGONY: THE PHYSICAL CRUELITIES OF HUSBANDS AND WIVES

After five children and over a decade of marriage, Albert Bowker finally reached his breaking point. In a detailed bill, he described to the Dane County, Wisconsin, circuit judge why he no longer wished to stay married to his wife, Mereda. He explained that shortly into their union he discovered that she possessed a demon temper, a fault he was willing to tolerate. However, over the past two years, Mereda had conducted an all-out war on his domestic authority. During regular “fits of anger and rage” she would fall into the “constant habit of kicking, striking, scratching, & pushing” him. She even took her aggression so far as to hit him on the head with an “iron stove hook.” In addition to being cowed by her physical prowess, Albert also related to the court that his wife sought to undermine his parental rule as well by “interfering with & preventing” his governance of the children. A witness confirmed Albert’s account, adding that the Bowker household was a “kind of hell upon Earth.” Julia Barnes, a former boarder, provided additional insight regarding the day-to-day operations of the Bowker family. Barnes claimed that Mereda not only refused to do the cooking, washing, or mending, but she acted in an outright confrontational manner towards Albert. During one incident, Mereda shook her fist in Albert’s face and “dare[d] him to put his hand on her, and said if he did she would knock him over with the first thing she could get hold of.” Albert declined the invitation and walked away. However, he did not savor the victory as he felt as if he had been relegated to a position of marital servitude. In the end, Mereda behaved cruelly by not

allowing Albert to be the master of his household and by positioning herself in his rightful place.¹

This chapter examines how antebellum men and women in Virginia, Texas, and Wisconsin defined and perceived physical cruelty in marriage. It asks: How were husbands and wives physically cruel? Why were husbands and wives physically cruel? Unsurprisingly, violence between spouses often arose from a struggle for power in the household and in the relationship. When discussing physical cruelty, the debates of the period focused on where exactly to draw the line separating cruelty from insensitivity or abrasiveness, for example. This chapter argues that brief emotional outbursts of violence, whether in the form of a slap or a blow, were understood by many to be unpleasant but tolerable parts of marriage. Willful and systematic physical attacks, evidenced by blood, repeated blows, etc., were where nineteenth-century Americans drew the line between impulsive violence and cruelty. Moreover, reasonable chastisement shaded into cruelty if a spouse perpetrated the ‘punishment’ in an overly emotional way or if the action resulted in permanent physical injury. A fine line existed between chastisement and cruelty, proper mastery and improper mastery, honorable and dishonorable manhood.

This chapter contends that, in the southern states studied, husbands both attacked wives in an attempt to assert mastery (and were divorced for it), and they claimed to have been victimized by abusive wives who sought inappropriate mastery over their husbands (and were granted divorces on those grounds). Southern cultures of honor and mastery buttressed traditional gender roles, and men’s violence within households helped them to violently affirm those roles. In Wisconsin, on the other hand, there were fewer traditions

¹ *Albert Bowker v. Mereda Bowker* (1863), WHS-DC.

that defined the roles of husband and wife; indeed, there were many new conditions of daily life that demanded improvisation. How much of traditional gender roles remained relevant in the pioneer context? Such a question, and the confusion it reflected, apparently grated on couples and prompted much, rather intense, violence. All in all, the actions of cruel husbands and wives in Wisconsin led to more permanent injuries and generalized brutality within marriages than can be seen in either Virginia or Texas for the period. This chapter begins by examining the cruelties of married men before turning to an analysis of the cruelties of wives. As such, this work does not aim to present a comprehensive picture of unacceptable practices but rather to trace the outlines of behavior and perception in antebellum America.²

The cruel husbands examined within this study manifested their ill feelings toward their spouses in a wide variety of ways, often relying upon sheer physical superiority to ‘carry the day.’ By far, the most prevalent form of physical abuse was the slap or blow. A slap was an open-handed hit, frequently directed at the facial area. In contrast, a blow occurred when a person struck the other with a closed fist. Although a closed handed attack was viewed as the more dangerous of the two, a slap could hold perils of its own. For this reason, judges and juries gave full consideration to spouses who came before the courts claiming injury due to cruel hand-based assaults. Wives, for their part, would rely upon language that recognized the potential utility of the slap or blow,

² As a point of reference, it is important to note that by 1840 all three states studied recognized physical cruelties that threatened life or limb as meeting the minimum requirements of legal cruelty and, therefore as legitimate grounds for divorce. Historian Roderick Phillips, in his study of divorce, states, “Bearing in mind that wife beating covers a wide spectrum of violence, from a single and relatively mild slap to persistent assaults causing serious injury and sometimes death, the overall image of the phenomenon is complex. It is impossible to draw a comprehensive picture of attitudes and behavior, but it is possible to sketch the outlines....” See, Roderick Phillips, *Putting Asunder: A History of Divorce in Western Society* (Cambridge: Cambridge University Press, 1998), 340.

while pointing out their husband's individual failings in usage. As Laura Edwards argues in her study of southern legal cultures, "The issue was not *whether* they should be subordinate, but *what* their subordination should entail." As such, wifely litigants would concede that chastisement required physical force but took issue with what they perceived as the overzealous application of domestic punishment. Their goal was to refine the practice of marital mastery, not destroy it. After all, the vast majority of women who received divorces due to cruelties would go on to marry again.³

In particular, wives and witnesses called attention to those moments in which out-of-control emotions, as opposed to sound logical principles, guided a husband's violent hands. Assaults of this nature could come out of nowhere, as Lucy Burwell described to a Virginia court. Once when her husband was "angry with her for some cause," he snuck up behind her, pushed her so that she fell down, and then "twice slapped her in the most humiliating manner." She lived with the markings from this attack on her face for more than a week. Lucy and other wives successfully argued that the causal agent of "anger" moved a slap or blow out of the category of benign "discipline" and into cruelty. After all, domestic mastery revolved around control, consistency, and a careful application of violence. A husband who ruled unpredictably could foster potentially contagious feelings of dependant discontent and rebellion. Therefore, any and all instances of inept mastery represented a community problem. Moreover, scholars have described how the actions of excessively violent patriarchs were particularly problematic in southern areas. By the late

³ Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009), 171 (quote). For examples of husbands making claims for the utility of slaps as chastisement, see *Polly Cox v. Jordan Cox* (1859), LVA-Ch; *Wilhemina Schmidt v. John Schmidt* (1854), DCTX-FC; *Harriet Boulieo v. Oliver Boulieo* (1843), MIL-MC.

antebellum period, the South was trying to project the image of a benevolent society in which dependents, especially white women, were treated fairly.⁴

Citing a man's natural temper and establishing a pattern of emotional outbursts added further credibility to a cruelty complaint. Numerous petitions alleged that a husband's "excitable & harsh" temper existed at the core of the marital disputes in question. As discussed in the previous chapter, it was generally accepted that men possessed deep animal instincts, but society required that they harness these impulses and direct them toward productive pursuits. For antebellum husbands, according to E. Anthony Rotundo, "How to achieve an inner balance between the civilized and the primitive was an urgent problem." And, this was a problem that not all men solved successfully. Domestic discord could escalate if a husband became a slave to his temper and behaved cruelly as simply a matter of habit. Giving in to all of their destructive impulses, these men would enact systemic wife torture, often by "every species of domestic cruelty." Moreover, their behaviors were particularly terrifying to wives as they appeared to offer no potential for reform. If a woman felt as if she could not change a man's core demeanor or deep-ingrained practices, then her only recourse was to pursue a legal separation.⁵

⁴ *Lucy Burwell v. John Burwell* (1856), LVA-Me (first quote); *Sarah Mitchell v. J. Mitchell* (1846), SHRL-JeC (second quote). For information on honor and mastery, see Bertram Wyatt-Brown, *Southern Honor: Ethic and Behavior in the Old South* (New York: Oxford University Press, 1982); Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1995).

⁵ *Amanda King v. Edward King* (1855), LVA-Me (first quote); E. Anthony Rotundo, "Body and Soul: Changing Ideals of American Middle-Class Manhood, 1770-1920," *Journal of Social History*, 16 (Summer, 1983): 27 (second quote); *Anna Einke v. Heinrich Einke* (1850), DCTX-ComC (third quote). For additional examples of men's temper as causal agents of cruelty, see *Catherine Swank v. Daniel Swank* (1857), LVA-Roc; *Ellen Campbell v. Sylvester Campbell* (1859), CCWI-RC; *Mary Cleveland v. Alexander Cleveland* (1863), OSH-WC; *Elizabeth Warner v. William Warner* (1860), EC-EC; *Mary Baylor v. William Baylor* (1852), DCTX-FC; *Elizabeth Ann Pratt v. John Pratt* (1855), DCTX-GoC. Men would also abuse their wives in order to stop them from telling others about the mistreatment, see *Nancy Dunford v. William*

When a woman came to the court requesting a divorce, she pushed her fellow community members to evaluate what constituted a normal versus excessive use of blows or slaps. Did a single blow satisfy the legal threshold for marital cruelty? The simplest answer was that yes, it could, but that most of the time it did not. Husbands accused of committing cruelty understood this and quite often mounted a defense by saying that they required only a single slap to set their entire household back to order. They would try to limit the damage by only admitting to a lone act of violence, a singular moment of weakness in an otherwise solid record of mastery. And, they reached out to other men with a question: if faced with a wife like mine, wouldn't you do the same? However, on occasion, the ferocity of a solo blow captured the court's attention. Sarah Budd's statement began ominously with a description of her husband's unpredictable fits of temper. In a particularly violent assault that left their marital bed drenched in fresh blood, John Budd relied on his fists to do his cruel work. Upon his wife's return from helping a neighbor, John pounced on her and threw her on to the bed. While she was on her back in an obviously vulnerable position he then "struck her a violent blow in the face which caused the blood to run from her nose & mouth in a frightful manner," ruining the bed sheets. Managing to slip free, despite the blood, Sarah then ran into the street screaming for help. To secure a divorce she needed the judge and jury to recognize that her

Dunford (1852), LVA-Cu; *Finneman v. Mark Finneman* (1861), PLAT-GC. Injured wives would also stress the emotional damage wrought by a misapplied slap or blow. The language of Lucy's petition, for example, attested to the fact that she resented her husband's actions not only for the physical pain that they caused, but also because of the corresponding social embarrassment. In theory, a properly applied chastisement would result in no long term emotional damage. See, *Lucy Burwell v. John Burwell* (1856), LVA-Me.

husband's fist was a deadly weapon in and of itself and that single blow could constitute cruelty.⁶

As they struggled to erect boundaries between acceptable and unacceptable behaviors, antebellum citizens repeatedly emphasized the importance of assessing the exact number of slaps or blows. This, perhaps, reflected a desire to impose a sense of order on otherwise chaotic scenes of marital conflict. While the victim and perpetrator of the supposed assault might provide a numerical summary of the incident, the most valuable information usually came from witnesses. Out of the direct fray, these individuals possessed the opportunity to carefully listen and observe as scenes of abuse unfolded. A household servant could recount, for instance, "he hit his wife with seven blows two with open hand, one with closed fist." Children, in particular, provided some of the most detailed estimates. They generally went unnoticed in the midst of conflict, yet were close enough to absorb every detail. Sixteen-year-old Emeline Giese recounted how her father initiated a struggle that culminated when, "father struck mother with his fist in her face, and on her head, on her arms, and breast, all over. He struck her five or six times." Witnesses generally paid close attention to the ways in which domestic arguments unfolded because they needed to determine exactly when to intervene, if at all. The implication, again, was that a single blow might be forgiven as an emotional outburst, but a series constituted a larger threat. Cruel husbands chose to escalate their attacks while simply inept ones lashed out infrequently only causing minimal injuries.⁷

⁶ *Sarah Budd v. John Budd* (1863), OSH-WC (all quotes). See also, Elizabeth Blair Clark, "The Inward Fire: A History of Cruelty in Marriage in the Northeastern United States, 1800-1860" (PhD diss., Harvard University, 2006), 48.

⁷ *Matilda Bryant v. Robert Bryant* (1855), LVA-He (first quote); *Johanna Giese v. Frederick Giese* (nd), WHS-DC (second quote). For other examples of wives and witnesses counting blows/slaps, see *James Henderson v. Louisa Henderson* (1852), DCTX-LC; *Martha Brewer v. Edward Brewer* (1861), WHS-DC;

To gauge the ferocity of a marital confrontation, judges and juries would encourage witnesses and litigants to provide detailed descriptions of where exactly a husband's hits fell upon his wife. The location of the blows might offer an indication as to intent. The assumption being that those husbands who planned to seriously injure their partners would generally concentrate their energies on the critical areas of the head, neck, etc. In Virginia, Elizabeth Binn's husband slapped her on the jaw. Meanwhile, one Texas husband struck his wife in the face so hard as to knock a pipe from her mouth. The said pipe then fell onto the child the woman was holding, "badly burning" the infant as a result. The man continued the assault by pulling the woman out of the chair by her hair while at the same time proclaiming that "she had better go back to Indiana." By the end of the attack, this Texas woman was left out of doors to nurse her own injuries and those of her child. She believed that her husband had initiated the assault out of a desire to drive her from the home and enact an informal separation. Historian Norma Basch has documented how frontier husbands, in particular, "created de facto divorces" while "women sought out legal ones." If divorce was not something that a man wished to pursue, or if a wife refused to leave, then violence could be used to push a wife out of the domestic space. In the end, cruelty offered husbands an avenue, albeit a cowardly one, in which to effectively end cohabitation.⁸

Margaret Frazer v. Robert Frazer (1857), LC-MC. For a discussion of community interventions see Chapter Five of this work.

⁸ *Elizabeth Binns* (1840), Amelia County, LVA-VL; *Zylpha Marmore v. William Marmore* (1854), DCTX-CoC (first and second quotes); Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999), 117 (third quote). Many petitions mentioned a wife being hit on the head, see *Martha Ann Boyle v. Jeremiah Henry Boyle* (1862), LVA-C; *Patsey Slack v. Josiah Slack* (1852), LVA-No; *Rozette Basier v. F. E. Basier* (1858), SHRL-OC; *Betsey Wheeler v. Gilbert Wheeler* (1856), WHS-DC; *Sally Vill v. Robert Vill* (1859), GB-OuC. Rhoda French, originally from Massachusetts, complained that her husband changed in his demeanor upon the couple's arrival in Wisconsin. Aside from drinking to excess, her husband repeatedly expressed his desire to be alone. Kicking and beating her "black and blue," John French was determined to effect a separation of

When looking for evidence of cruelty, antebellum men and women also wanted to know whether or not the blows were concentrated on a particular part of a woman's body or if multiple areas were damaged. Therefore, it was not uncommon for a petitioner to enumerate the degree of injury sustained by all body parts. Although gendered ideals of modesty traditionally dictated that a woman's body was not a suitable topic of public conversation, court participants expected and anticipated graphic testimony. The need to decisively demonstrate that cruelty had occurred made "what would have been considered a serious breach of etiquette at home—the public discussion of a person's body," not only okay but necessary. On the whole, marital disputes blurred the boundaries of public and private. By violating their conjugal vows through violence, husbands further diminished their rights to private ownership over a woman's body. History has shown that a man's claims to domestic privacy frequently reflect his desire to beat his wife without recourse. However, in the antebellum period, when a woman such as Delia Tubbs walked around with her face "blue" from a recent attack, her body made her private sufferings public. Her visible injuries invited members of the community to comment on and explore not only her particular circumstances, but the degree to which cruelty was tolerated. However, in a fashion similar to other Wisconsin men, Lyman Tubbs probably never apologized and felt no fear of public retaliation.⁹

some sort and promised her that if she continued to live in the same house with him, he would "make the place so hot that I [his wife] couldn't stay in it." Of course, she was granted the divorce and he received his wish in some measure. See, *Rhoda French v. John French* (1865), EC-EC.

⁹ Charlene M. Boyer Lewis, *Ladies and Gentlemen on Display: Planter Society at the Virginia Springs, 1790-1860* (Charlottesville: University Press of Virginia, 2001), 113 (first quote); *Delia Tubbs v. Lyman Tubbs* (nd), OSH-WC (second quote). Another particular form of physical cruelty, pinching, was generally gendered male. At first glance, pinching appears relatively innocuous, but wives described how it could turn nasty quite quickly. A husband's pinching attack, as experienced by Sarah Hinton, could leave a wife with bruises on her face that "for many days and weeks were visible to all." See, *Sarah Hinton v. Archibald Hinton* (1853), LVA-L.

The court records indicate that Wisconsin husbands frequently resorted to near lethal levels of force in domestic confrontations. Moreover, when questioned they showed little remorse for their actions and, in fact, proclaimed their right to control their wives using whatever means they chose. Clinging to the enactment of traditional gender roles, they would declare that they, for all intents and purposes, owned the bodies of their wives. As prominent historian Hendrik Hartog has observed, “Wife beating was a practice of men who believed they owned their wives, who believed they had a right to do as they pleased with what was theirs, including beating them.” Although Wisconsin residents regularly intervened in domestic disputes, a practice discussed in a later chapter, the statements given by husbands clearly indicate that they did not fear public reprisals and instead sent their wives out with the evidence of their cruelties plainly visible. As such, it was quite common to find women in the records who went through life without front teeth due to a husband’s assault. In contrast, imbued with the cultural precepts of honor and vengeance, Virginia men exhibited more restraint. Southern men were, rightly, concerned about retaliation on the part of the general public and/or male relatives of the wife. Historians of southern culture have described how cruel husbands could be placed under community scrutiny if public evidence surfaced of wife mistreatment. Therefore, it only makes sense that Virginia husbands would, even in the midst of angry passions, generally avoid inflicting permanent physical injury upon their wives. Not only did those types of injuries not accord with the reverence of southern womanhood, they also made a man a potential target for community violence.¹⁰

¹⁰ Hendrik Hartog, *Man and Wife in America: A History* (Cambridge: Harvard University Press, 2000), 104 (quote). For examples of teeth missing, see *Julia Henry v. William Henry* (1851), PLAT-GC; *Elvira Hickman v. Fielding Hickman* (1851), PLAT-GnC. Harvey Luther said that his wife Mary deserved a “damn good licking” because “he wanted to learn her to keep her place.” See, *Mary Jane Luther v. Harvey*

Moreover, the divorce documents indicate that a spouse who sustained permanent injuries as a result of angry blows or slaps stood an excellent chance of receiving a divorce on the basis of cruelty. After all, severe bodily harm existed as the first generally acknowledged form of spousal abuse and by the antebellum period this recognition had hardened into a virtual zero tolerance policy. To that end, divorce bills often included information regarding the serious aftereffects of physical confrontations. Sparing few details, damaged wives appeared before the courts and described how they sustained bruises, broken bones, severed limbs, and bloody noses. The son-in-law and son of Lorana Jincks, of Wisconsin, described her appearance following a physical conflict with her husband. According to their accounts, she appeared to be in a “lame condition...her right eye was discolored, commonly called black and blue and that she appeared to be hurt on one side of her body.” Her son also noted that she had in her possession “a large bunch of hairs” which had been pulled out of her head mid-attack. Another Wisconsin husband hit his wife so hard with his fist that he actually broke her collar bone with a single blow. The two husbands in question clearly behaved cruelly.¹¹

As the above stories indicate, the records suggest that Wisconsin husbands were far more likely to inflict permanent injuries on their wives through acts of physical cruelty, at least when compared with Virginia and Texas men. Interestingly enough, it appears as if their desire to extract maximum domestic contributions from their wives

Luther (nd), EC-EC. John Onan said “that he had pounded her [his wife] a great many times and said would pound whenever he had a mind to.” See, *Electa Onan v. John Onan* (1860), SP-MC. For information on community responses see, Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2001), 37; Brenda Stevenson, *Life in Black and White: Family and Community in the Slave South* (New York: Oxford University Press, 1996), 31-32; Phillips, *Putting Asunder*, 334; Wyatt-Brown, *Southern Honor*.

¹¹ *Lorana Jincks v. Julius Jincks* (nd), CCWI-RC (all quotes); *Catharine Crandall v. John Crandall* (1859), WHS-DC.

also drove them to actions that could render a woman useless in the household. For example, the husband mentioned above broke his wife's collar bone in the midst of a disagreement about whether or not she would take over the burden of financially supporting him and their family. However, following the attack, she was unable to even perform her housework and filed for divorce shortly thereafter. The court agreed that her life was in immediate danger and dissolved the union. After all, the destructive use of marital power in frontier communities was a problem with consequences that spread far beyond the individual relationship in question. Developing societies, in particular, could not afford to support crippled or abandoned spouses. Aid for the poor was practically nonexistent. In light of these realities, Wisconsin's legal system offered a permissive and progressive list of divorce grounds designed to allow spouses to escape problematic unions before permanent injuries took place.¹²

The courts and community members across the three states studied reserved their harshest critiques for cruel husbands who chose to pursue attacks while their intended victims attempted to flee or fell to the ground. The sheer physical force employed by violent men virtually guaranteed that many women would end up on the floor at some point during an assault. Quite often the most dangerous injuries resulted from the fall itself and not the prior blows. Witnesses described how Virginian John Mullens, during his four-year marriage with Mary Ann Mullens, would strike his wife with such "great violence" as to make her "stagger" and nearly collapse. As an indicator of the force that John used, in one instance when a blow intended for his wife missed its mark, it "fell on the stove pipe—in which it made a deep indention." Once a woman was down on the

¹² *Catharine Crandall v. John Crandall* (1859), WHS-DC.

ground, the attack could develop in a variety of ways. In the best of circumstances, the husband would choose to end the assault. Then, the determination of cruelty would be based upon his actions up until that point. Unfortunately, this was usually not the case, and domestic conflicts would generally persist in their development. Part of the progression could involve a husband dragging his wife around the floor, generally by the hair, continuing the assault. He “did then and there, in a violent and brutal manner drag her over the yard,” read one Texas woman’s account of cruelty. Another Texas woman recalled how she escaped from her irate husband only to be found again by him at which point he “draged her about by the hair for the half a mile back home.” Grabbing a handful of hair from above generally prevented a woman from attempting to make a successful escape, or possible counter-attack. In this very primitive manifestation of physical dominance, husbands sought to totally cow their wives into submission. Dragging also resulted in few visible injuries, thus making it possible for a man to plausibly deny a woman’s allegations of cruelty in court. This defense only worked if no other witnesses came forward to describe the assault.¹³

As a wife lay upon the ground, her husband could also escalate the degree of bodily injury by kicking. Wisconsin wives, in particular, requested relief from kick-prone cruel husbands. The specific nature of their complaints can be partially attributed to the attire of the area. Many Wisconsin men worked as loggers, lumberjacks, and outdoor

¹³ *Mary Ann Mullens v. John Mullens* (1851), LVA-Ly (first and second quotes); *Elizabeth Graves v. John W. Graves* (1854), DCTX-AC (third quote); *Mary Dunn v. J. K. Dunn* (1858), DCTX-GuC (fourth quote). For instances of husbands knocking wives on the ground see, *Julia Childs v. Joseph Childs* (1860), SHRL-JeC; *Marg Leitenberg v. Anton Leitenberg* (1857), DCTX-FC; *Sarah Smith v. Archelas Smith* (1856), DCTX-BC; *Mary West v. John West* (1861), EC-EC. For examples of hair dragging see, *Elizabeth Herman v. Henry Herman* (1858), DCTX-ComC; *Elizabeth Behrens v. Johann Behrens* (1855), DCTX-GC; *Dorothea Mohr v. George Mohr* (1857), MIL-MC; *Maria Burrucker v. Friedrich Burrucker* (nd), WHS-DC; *Martha Revely v. John Revely* (1853), LVA-Ly; *Patsey Slack v. Josiah Slack* (1852), LVA-No.

laborers and wore heavy boots with regularity. This choice in footwear made any ensuing kicking assaults all the more brutal. The *Baraboo Republic* newspaper reported that a “miserable brute of a husband” appeared before the Police Court on charges of “kicking his wife with great heavy boots, so that she was nearly killed.” He was freed after she refused to testify against him. This woman’s choice to stay silent indicates that the nature of cruelty was very much up for debate in the antebellum period. Although legal officials recognized her husband’s behavior as worthy of censure, she may or may not have agreed. And, even if she believed that he had behaved cruelly, the necessities of survival might have required that she rescue her abuser and attempt to salvage the relationship. After all, life for a single woman in rural Wisconsin possessed hardships of its own.¹⁴

While kicking could be used to inflict real damage, it was also present in the records as a form of general harassment. The Hersey marriage lasted less than one year. On their wedding trip, George Hersey demonstrated that aside from being border-line suicidal, he also possessed a maniacal temper. When travelling in rail cars he would push his wife, Caroline, up against the side of the car, injuring her “very much.” Then, upon their arrival at one of the hotels, he “insisted in sleeping with his feet” in Caroline’s face, which could have been harmless except for the fact that he then proceeded to kick her “with all his might” in the face. He also held her against the bed wall “with his feet for some time” until she begged for release. On the same trip, he grabbed a pair of “heavy soled cow-hide boots” and swore that he would knock her brains out. For George, feet

¹⁴ The *Baraboo Republic*, 8 Sept. 1855 (all quotes). See also, *Bridget Galvin v. Michael Galvin* (1856), PLAT-GC; *Sarah Ryan v. Patrick Ryan* (1865), OSH-WC; *Albertine Bribolz v. Fritz Bribolz* (1861), GB-MC. Another man, who possessed a self-proclaimed unmanageable temper, declared that he would kick his wife’s “damned infernal head off” in the midst of one conflict. Although it would have been helpful for historians, the divorce documents failed to relate this cruel husband’s choice of footwear. See, *Ellen Campbell v. Sylvester Campbell* (1859), CCWI-RC.

and footwear were his preferred domestic weapons, until he finally deserted his wife in April 1857. Under normal circumstances, the wedding tour was an opportunity to enjoy one's spouse and revel in the marital state. In contrast, George embarked upon this journey with a goal of showing his new wife exactly what it meant to live under his rule. His actions suggest a desire to literally trample his wife's health and happiness underfoot.¹⁵

Unlike George, the vast majority of husbands still preferred to use the power of their hands to perpetrate cruelties against their wives. Choking, or placing both hands around another person's neck and applying pressure, appeared frequently within the records. Wives and witnesses who sought cruelty rulings on the basis of choking incidents tried to argue that this particular form of intimate violence was almost always detrimental to life and served no purpose related to domestic mastery. As it did not fall under the rubric of chastisement, choking was an illegitimate use of violence requiring regulation by the courts and community. To bolster their arguments, wifely litigants would describe being choked "nearly to death" all the while listening to their husbands snarled death threats. When husbands expressed their lethal intentions during choking attacks, their comments would then be repeated in a courtroom setting. For example, a Wisconsin court heard how local husband John Curliss seized his wife by the throat and declared, "I believe by God I'll shut off your breath and the sooner it's done the better." John's comments turned an already violent attack into a clear situation of cruelty by uniting deadly intent with harmful action. Moreover, wives and witnesses framed choking as a particularly intimate and opportunistic form of cruelty. The records indicate

¹⁵ *Caroline Hersey v. George Hersey* (1858), OSH-WC.

that husbands generally initiated choking attacks in the bedroom, the most sacred of domestic spaces. A pattern emerged in which a man would sneak up on his wife while she lay asleep in bed. Then, when he was close enough he would wrap his hands around her neck, perhaps smothering her with a pillow as well. This manner of approach allowed for maximum surprise as well as leverage. After properly positioning his hands a man could squeeze and, in the process, cut off all oxygen available to the victim. As related by women in court, these incidents often proceeded with an eerie calmness as a person who is being choked immediately loses some capacity to control body movement. In a similar fashion as hair-pulling, choking could be used to place the entirety of the victim's body under the attacker's control.¹⁶

Armed with limited medical knowledge, antebellum men and women struggled to identify and understand the biological hazards associated with choking. Modern-day society, fed by a variety of academic and popular studies, recognizes choking as one of the clearest indicators of malicious, even fatal, intent on the part of husbands towards wives. However, antebellum observers and courtroom participants did not have the benefit of wide-ranging analyses and therefore relied upon popular perceptions of violence. To assess the extent of injury, individuals would reference either body markings or the degree of deprivation of oxygen. To fulfill this evidentiary requirement, a Texas wife, Sarah Burdett, asserted that the bruises on her throat from her husband's attack lingered for a "long time." It was not uncommon to find wives within the records who lived with finger prints on their necks for weeks or months. Although an asset in a

¹⁶ *E. A. Robinson v. Jesse Robinson* (1857), DCTX-LC, (first quote); *Lucinda Curliss v. John Curliss* (1860), MIL-MC, (second quote). For additional examples of choking, consult *Ann Chick v. Littleton Chick* (1847), LVA-A; *Mary Dunn v. J. K. Dunn* (1858), DCTX-GuC; *Elizabeth McCoy v. John McCoy* (1861), PLAT-LC; *E. A. Robinson v. Jesse Robinson* (1857), DCTX-LC.

divorce proceeding, the presence of bruises prompted much public gossip and questioning. As such, some women would occasionally devise ways to conceal the physical evidences of abuse. The eleven-year-old son of Rachel and Augustus Gardner recalled in his deposition how his mother “wore a handkerchief on her neck for several days” following a physical domestic dispute in order to “hide the marks.” Interestingly enough, the records suggest that bruises alone were generally not enough to sustain a cruelty ruling. Indeed, as the argument went, some women bruised easily and wounds of this sort, typically, did not impair overall functionality. To get a divorce on these grounds, a woman needed to prove that choking was a form of wife torture.¹⁷

Elizabeth Waid’s case is illustrative in this context. In her bill to the Franklin County, Virginia, chancery court, Elizabeth claimed that her husband “several years ago in a fit of drunkenness and rage, while in bed...caught her rudely by the neck and violently choked her, leaving the prints of his fingers upon her flesh for many days.” A few weeks later he choked her again, but this time he also hit her about the head and “kicked her in the abdomen & groins with great violence, knocking her speechless and senseless, and also biting out of her hand a large piece of flesh.” Determined to pursue a divorce after these two attacks, Elizabeth approached the court only to delay filing after her husband promised to reform. He later continued his cruel actions, albeit in new forms, and she re-instigated her divorce action. Within her statement to the court, Elizabeth emphasized how her husband acted out of “rage” and without reason. His animalistic attacks, including hand-biting, served no larger purpose except to humiliate and injure

¹⁷ *Sarah Burdett v. Henry Burdett* (1844), DCTX-AuC (first quote); *Rachel Gardner v. Augustus Gardner* (1859), WHS-DC (second quote). One of the articles that has garnered more recent, and widespread, attention is a study pointing to choking as an clear indicator of possible spousal murder, see Nancy Glass et. al., “Non-Fatal Strangulation is an Important Risk Factor for Homicide of Women,” *Journal of Emergency Medicine*, 35 (October 2008): 329-335.

her. Moreover, Elizabeth drew attention to the brutal elements of their confrontations by using terms such as “violently” and “rudely” to describe her husband’s behaviors. As a result of her attention to detail, Elizabeth presented a very convincing bill before the court.¹⁸

The most legally compelling choking cases, however, centered upon those moments in which a woman’s breath left her body and the attack became imminently fatal. Depriving one’s spouse of vital oxygen clearly qualified as cruelty, if not attempted murder. The challenge for litigants was to convince a judge and jury that the physical conflict in question had gotten to that point. As such, injured spouses called upon those witnesses who could provide minute-by-minute commentaries of the day’s events. A person requested to appear in court in this capacity might give an estimate as to the number of minutes that the victim went without breath or the ability to speak. Common sense dictated that the severity of the overall injury coincided with the length of these impairments. Sometimes the information was less specific, such as when a witness recalled a woman being choked “almost to insensibility.”¹⁹ Choking was clearly a terrifying event, and wives struggled to make others feel the vulnerability and fear that characterized those cruel moments. To that end, the testimony of a child witness proved enormously useful. George Compton appeared before the court and described how he

¹⁸ *Elizabeth Waid v. William Waid* (1855), LVA-Fr (all quotes). While a cruel husband eyeing his wife’s property was one theme within the records, the intoxicated husband was another. This subject will be discussed in great detail within a following chapter; however, it bears mentioning at this point as well. Intoxicating liquors could transform an otherwise pleasant husband into a monster. Alcohol could also escalate marital cruelties to near lethal levels. Husbands such as George Hiles, who had not “breathed a sober breath in six weeks,” were to be feared by all domestic dependents. Men and women across all three states acknowledged the domestic chaos engendered by intemperance, a common message found within women’s rights literature at the time. See, *Amanda Giles v. George Hiles* (1854), LC-MC; Scott C. Martin, “Violence, Gender, and Intemperance in Early National Connecticut,” *Journal of Social History*, 34 (Winter, 2000): 309-325; Elaine Frantz Parsons, *Manhood Lost: Fallen Drunkards and Redeeming Women in the Nineteenth-Century United States* (Baltimore: Johns Hopkins University Press, 2003).

¹⁹ *Lucy Ann Baldwin v. Charles Baldwin* (1859), LVA-Pr.

was awakened from sleep one night by his mother running to his bed claiming that his father was going to kill her. Almost immediately his father then arrived and caught her and “pulled her loose” from George’s hands. Then, as George recollected, “my father put his hand over her throat for her breath seemed to stop.” The recognition of the lethal possibility of the attack prompted George to action and he “caught hold” of his father, allowing his mother to escape to a neighbor’s house. While the son knew that his father was behaving cruelly, he had to wait for a certain level of danger to be attained before acting in defense of his mother. If he interfered prematurely, he ran the risk of being subjected to abuse as well. However, in the courtroom setting, George demonstrated with clarity that his mother suffered under cruelty via the application and apprehension of severe bodily injury at the hands of her husband, George’s father.²⁰

As we move away from direct, body to body, physical assaults by men, we turn our attention to those husbands who perpetrated cruelties against their wives with the aid of outside weapons. Unlike slapping, pinching, kicking, or choking, whipping appeared to constitute, if anything, a traditional form of chastisement. A history of whipping within U.S. households extends well prior to the antebellum period. In colonial families, husbands served as the hierarchal heads of households and, as such, they needed to keep their dependents in line, even if this required corporal punishment. In order to ensure that all men chastised their dependents with restraint, an informal ‘rule of thumb’ developed and eventually made its way into courtrooms as a general assessment of proper correction. According to a recent scholar, the ‘rule of thumb’ in England and the United

²⁰ *Margaret Compton v. John Compton* (1857), LVA-R (all quotes). Nancy Tomes, in her study of working-class abuse crime in mid-nineteenth-century London, described how individuals were hesitant to intervene in violent situations unless a threshold was crossed indicating possible lethal force. See, Tomes, “A ‘Torrent of Abuse’: Crimes of Violence between Working-Class Men and Women in London, 1840-1875,” *Journal of Social History*, 11 (Spring, 1978): 336.

States stated that if a husband beat his wife with a stick or switch “about the size of one of his fingers (but not as large as a man’s thumb),” he should be left “immune from prosecution.” In theory, this restriction would limit the possibility for an emotional outburst and would also lessen the severity of damage inflicted on a wife’s body. Although colonial courts regularly applied this threshold in domestic management cases, historians have generally argued that the ‘rule of thumb’ was all but gone by the antebellum period. The evidence within this study suggests that this is only partially true. It finds that Virginians rarely referenced the rule of thumb because they were already in the midst of tightening the restrictions connected with marital chastisement. In this context, they believed that the rule allowed for too much tolerance for the practices of domestic tyrants. On the other hand, Texans looked to the rule as a general guideline. They hoped to use it as a tool to regulate mastery with an eye towards the needs of frontier families. Wisconsin residents mentioned the rule the most frequently with husbands claiming the concept was too restricting and wives lamenting that it allowed brutal husbands too much behavioral freedom.²¹

As their differing applications of the rule indicate, the three states took varying approaches to cases involving whippings perpetrated by husbands towards wives. Many men in Virginia and Texas utilized whipping as a tool in the management of household dependents. According to the logic of southern mastery, a whipping kept dependents in

²¹ Hartog, *Man and Wife in America*, 105 (quote), 116, 168. See also, Elizabeth Pleck, *Domestic Tyranny: The Making of Social Policy Against Family Violence from Colonial Times to the Present* (New York: Oxford University Press, 1987), 17-21; Clark, “The Inward Fire,” 47, 51-55. This gradual disappearance of the rule of thumb coincided with the increase of companionate ideals and the gradual downplaying of the prerogative of chastisement, see Robert Griswold, *Family and Divorce in California, 1850-1890* (Albany: State University of New York Press, 1982), 176; David Peterson, “Wife Beating: An American Tradition,” *Journal of Interdisciplinary History*, 23 (Summer 1992): 100, 105; Reva Siegel, “‘Rule of Love’: Wife Beating as Prerogative and Privacy,” *The Yale Law Journal*, 105 (June 1996): 2144-2145.

line while lessening the possibility of a power struggle. In their divorce documents, husbands would repeatedly reference a dialogue of familial control that all members of society were able to understand, if not necessarily agree with. The general belief was that a chink in the husband's armor of authority caused, for example, by a disruptive wife, could result in other dependents questioning or challenging their positions within the household. As scholars have observed, masculine authority in the South proved particularly important as it was critical to maintaining a slave society. Whipping was a common form of punishment used upon the enslaved, and this practice extended to other household members. The "most important commonality" between slavery and marriage, according to Nancy Cott, "was the master-husband's power to command the dependent." Southern husbands, therefore, employed whipping as a way to remind their wives of their position in the family order. One husband was overheard stating that, "he had as much right to whip her [his wife] as he had to whip one of his horses." However, as the antebellum period progressed, even southern husbands found their rights of chastisement coming under increasingly under attack. Moreover, whipping was at the center of a growing discussion regarding the line between the proper practice of authority and domestic cruelty.²²

²² Cott, *Public Vows*, 62-63 (first quote); *Sally Dowell v. Richard Dowell* (1854), LVA-W (second quote). For samples of Texas whipping cases, see *Elizabeth Cole v. William Cole* (1860), DCTX-ColC; *Ann Rice Jaeger v. John Jaeger* (1859), DCTX-AuC; *Ernestine Martin v. James Martin* (1860), DCTX-GuC; *Catharine Goodall v. Samuel Goodall* (1856), DCTX-CC; *Patience Simons v. Charles Simons* (1857), VRHC-JC; *Elizabeth Adair v. Joseph Adair* (nd), VRHC-JC. Jane Earl tolerated the whippings by her husband "until endurance itself became no longer tolerable or patience a virtue." See, *Jane Earl* (1837), TSLAC-TL. For an analysis of southern authority and violence, see Michael Stephen Hindus, *Prison and Plantation: Crime, Justice, and Authority in Massachusetts and South Carolina, 1767-1878* (Chapel Hill: University of North Carolina Press, 1980); McCurry, *Masters of Small Worlds*; Craig Thompson Friend and Anya Jabour, "Introduction: Families, Values, and Southern History," in *Family Values in the Old South*, ed. Craig Thompson Friend and Anya Jabour (Gainesville: University Press of Florida, 2010), 9; Kirsten E. Wood, "Making a Home in Public: Domesticity, Authority, and Family in the Old South's Public Houses," in *Family Values in the Old South*, ed. Craig Thompson Friend and Anya Jabour

In matters of authority, James Flinn's answer to his wife's divorce petition is instructional. Following the standard format, he admitted that they had married many years prior to his wife's bill. He also mentioned that, yes, he was indeed hurt by his wife accusing him of insanity. Accusations such as these, according to James, "were well calculated to make a bastards heart bleed." But he was prepared to live with her oddities until the point at which she attempted to subvert his direct authority in his own home. Namely, she placed herself in the doorway of the house with a knife and refused to allow him entrance. Claiming to be at the limit of his benevolent tolerance, James "thereupon broke from the bough of a peach tree, a switch with which he restored peace to his house and family." His wife, "alarmed at this exercise of authority...ceased with her menaces & became quiet." According to this logic, the most effective way of bringing about peace in a southern home was to use violence. James recognized that he should not resort to such violence immediately and, in his closing remarks, reiterated that "he has not exercised over her [his wife] any authority, much less practiced cruelty, over her, which was not in his judgment essential to the due regulation and peace of his family." James's statement reinforced the idea of a controlled, and limited, chastisement as an unpleasant, but essential part of society. In James's opinion, cruelty only occurred when a husband moved closer to enacting the rule of thumb. It is interesting to note, however, that James also dehumanized his wife by never mentioning any of the physical consequences of the whipping itself. She "became quiet" but he offered no other information on her bodily condition post-incident.²³

(Gainesville: University Press of Florida, 2010), 159; Gregg Kimball, *American City, Southern Place: A Cultural History of Antebellum Richmond* (Athens: University of Georgia Press, 2000), 92, 94.

²³ *Nancy Flinn v. James Flinn* (1845), LVA-F.

When looking at the experiences of James Flinn and other Virginia husbands, a historian discovers significant evidence to support a theory of embattled southern domestic authority. These husbands were operating in an environment in which the relationship of honor and mastery was increasingly fraught. Elizabeth Fox-Genovese describes how family organized southern society and was seen as the “bulwark” against “disorderly social change,” not the site of change. To be perceived as honorable and to maintain the stability of southern society, a man must not only govern his dependents but do so in a proper manner. The definition of “proper” served as the battlefield for debates over domestic authority. In the face of criticisms focusing on the violence and inhumanity of the southern slave system as well as general campaigns against corporal punishment, Virginia husbands still argued for their right to chastise dependents. But this was an increasingly limited right, at least with regards to marital rule. The whipping of slaves, according to historian Ariela Gross, “did not amount to cruelty because it was the usual punishment.”²⁴ But, in contrast, the whipping of wives potentially constituted a cruel violation of southern conjugal norms. And, household heads could face challenges from the unlikeliest of sources. Consider, for example, the case of Margaret Compton of Rappahannock County, Virginia. She filed a divorce petition claiming that her husband had choked her, whipped her, and kicked her out of their house. A nearby neighbor, Elizabeth Dowden, recalled one of the conversations that she had with John Compton regarding the treatment of his wife. When Elizabeth asked him to “quit abusing” his wife,

²⁴ Elizabeth Fox-Genovese, “Family and Female Identity in the Antebellum South: Sarah Gayle and Her Family,” in *In Joy and In Sorrow*, ed. Carol Bleser (New York: Oxford University Press, 1991), 19-20 (first quote); Ariela J. Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton: Princeton University Press, 2000), 114 (second quote). See also, Siegel, ““Rule of Love,”” 2144-2145; Wood, “Making a Home in Public,” 159; Edwards, *The People and Their Peace*; Victoria E. Bynum, *Unruly Women: The Politics of Social & Sexual Control in the Old South* (Chapel Hill: University of North Carolina Press, 1992); Stevenson, *Life in Black and White*.

John replied by saying that “he would do as he pleased...if she [his wife] did not do better he would get switches and whip her or confine her in some place, until she was better.” In his response, John not only asserted his right to chastise Margaret, but also made it clear that he was the person who determined if she acted “better” or not. This case file demonstrates how community members, such as the neighbor Elizabeth, could call into question a man’s right to rule. Although James and John might have felt justified in their actions, they lived in a society increasingly skeptical of the traditional practices associated with chastisement, especially when those ‘punishments’ were visited upon southern white women.²⁵

Texas men also struggled to delineate the boundaries of proper mastery, yet they differed from Virginians by more freely turning to cruelty as a tool for marital management. The environment of frontier Texas presented many challenges for settlers, and traditional gender norms began to erode under the pressures of such conditions. Husbands would often respond to these changes by using cruelty to push their wives back into a state of ‘proper’ subordination and dependency. When questioned about his actions, one Texas husband defended his cruelties by stating that his wife insisted on “interfering with his business and wished him implicitly to follow her rule, indeed desired to be master of all and was not content to be mistress of his house.” Therefore, he would whip her or hit her in an attempt to “maintain the dignity of his position as husband.” The

²⁵ *Margaret Compton v. John Compton* (1851), LVA-R. As another example, Jordan Cox, when accused of general cruelties against his wife, replied that he had behaved in an “improper” way towards her. He then qualified his answer by elaborating that his actions did fall partially under the umbrella of proper chastisement as his wife had neglected to perform certain household duties. See, *Polly Cox v. Jordan Cox* (1859), LVA-Ch.

home sphere was one area in which men demanded to maintain control, a haven of authority in an unsettled environment.²⁶

Unsatisfied with merely accepting a husband's word that his wife deserved corporal punishment, southerners created an active dialogue focusing upon the varying degrees of cruelty encapsulated within wife whippings. When assessing the severity of a whipping and, therefore, the possibility of cruelty, Virginians considered a variety of factors. To begin with, what weapon was used? The weapons can generally be divided into sticks and proper 'traditional' whips. Sticks were often small branches grabbed from nearby trees. A 'good' whipping stick or branch was pliable enough to support a quick striking motion while also not breaking under the pressure of the blows. A traditional whip was usually an item used around the house, often to control animals, which became a weapon upon its usage against a human being, usually a dependent of some sort. Cowhide, wagon, and horse whips were all mentioned frequently in the records. A whip was an easily accessible weapon of choice. If an area had trees or animals, a husband had a ready-made whip.²⁷

Some husbands cruelly prepared in advance to administer whippings. This type of pre-meditation demonstrated that their actions were not in response to a domestic breach, but rather the outgrowth of a twisted habit. This is only somewhat surprising considering

²⁶ *Marg. Leitenberg v. Anton Leitenberg* (1857), DCTX-FC (first and second quotes). For a discussion of Texas frontier conditions, see Angela Boswell, "The Social Acceptability of Nineteenth-Century Domestic Violence," in *The Southern Albatross: Race and Ethnicity in the American South*, ed. Philip D. Dillard and Randal Hall (Macon: Mercer University Press, 1999), 139-162; Randolph Campbell, *Gone to Texas: A History of the Lone Star State* (New York: Oxford University Press, 2003), 231-232; Mark M. Carroll, *Homesteads Ungovernable: Families, Sex, Race, and the Law in Frontier Texas, 1823-1860* (Austin: University of Texas Press, 2001); Francelle L. Blum, "When Marriages Fail: Divorce in Nineteenth-Century Texas" (PhD diss., Rice University, 2008), 39-42; Joan Cashin, *A Family Venture: Men and Women on the Southern Frontier* (New York: Oxford University Press, 1991). See also, *Wilhelmina Schmidt v. John Schmidt* (1854), DCTX-FC; *Queen Elizabeth Nogues v. J. Nogues* (1847), SHRL-JeC; *Emeline Saunders v. James Saunders* (1858), DCTX-EC.

²⁷ *Rosina Fulford v. James Fulford* (1859), LVA-No.

that, as other studies of violence have shown, instruments of violence can occasionally be the focus of fetishization. Essentially, an individual or group can develop an almost obsessive focus on a certain weapon; such was the experience of John Clopton. He was a husband, a father, and a violent abuser. He preferred to injure his wife with whipping assaults in which he would “attack with horse whips, cowhides, sticks anything he could get ahold of.” Not to be limited in his behaviors, Clopton would perpetrate these cruelties in front of neighbors and even while his wife was pregnant. At one point a female friend of his wife observed “splinters” in Mary Clopton’s head after an assault. But, as a Clopton daughter would claim, her father truly preferred to mete out abuse with his special “cowhide which he said he had made for that express purpose.” The daughter described how her father tested out this device by hitting her mother on the body and head until “her eyes were so swolled that she could not see.” Apparently satisfied with his work, her father then proclaimed that he intended to use the cowhide whip to kill her mother “by piecemeals” so that he would have no fear of “being hanged” as a wife murderer. Clopton’s preparation and planning transformed what could have been a ‘typical’ cruel whipping into premeditated wife torture. His wife lived in a state of constant apprehension of physical violence, which Clopton fed by his bizarre behaviors. A proper patriarch sought familial and marital stability, not conflict.²⁸

Southerners also made particular note of the number and nature of the ‘stripes’ inflicted on a woman’s body. As the emotions of the situation often did not allow an

²⁸ *Mary Clopton v. John Clopton* (1850), LVA-He (all quotes). Suzanne Lebsock in her study of a murder in 1890s Virginia, described how one rope was shipped all over the South to be used in hangings. She continues, “After thirteen years of hangings, the rope had taken on an almost magical quality, bringing confidence to the executioner.” See Lebsock, *A Murder in Virginia: Southern Justice on Trial* (New York: W.W. Norton & Co., 2003), 277. William Dunford would prepare “switches” in advance in case he chose to whip his wife. See, *William Dunford v. Nancy Dunford* (1852), LVA-Cu.

exact count, witnesses would often provide an estimate as to the number of blows. It was generally believed that a “few” stripes, though cruel, were excusable, whereas “many” were, literally, harsh beyond measure. Again, when in doubt, individuals would focus on the body itself for answers. They would describe the nature of the marks left behind on the woman’s skin. During one episode in which James Fulford “inflicted punishment” on Rosina, his wife, he left long bloody lines on her back and “contusions of the flesh which remained for one week.” A beating such as this could result in Rosina being permanently disfigured, a gross violation of the protection owed to wives by husbands in Virginia and Texas. The location of the blows was also important, with the majority usually falling on the body but occasionally on the face. Stripes on the face were deemed very serious because they could lead to scarring or even blindness. A resultant facial deformity could then diminish a woman’s public standing, thus satisfying the cruelty threshold of permanent damage.²⁹

The violation of a wife’s body by her husband during whipping reached another level of unacceptability if, by chance, the woman’s nakedness was exposed. The whipping then damaged a woman’s chastity by presenting her body to other dependents and to the general public. As historians of slavery have shown, the abolitionist movement was particularly effective at using these types of images of slave women to elicit empathy among white women and men. Even in Virginia, the whipping of a white woman to the point at which she ‘lost’ her chastity, meaning her naked body was on display, was a major misuse of mastery and a case of marital cruelty. In a moment of deep intoxication, William Waid committed such a cruelty on his wife Elizabeth when he “jerked her off of

²⁹ *Sarah Womack* (1848), Halifax County, LVA-VL (first quote); *Rosina Fulford v. James Fulford* (1859), LVA-No (second quote).

the bed, stripped her clothing above her waist, and inflicted upon her naked limbs and the lower part of her person a most severe and cruel whipping with switches, cutting her skin in a number of places.” As a result, she was unable to sit for numerous days. And, to heighten the humiliation, her fifteen-year-old son was there to witness the entire incident. The son, Wingfield, would later recall how his mother had begged his father to desist even as he continued to “wear out” a “handful of switches” on her. As historians of the U.S. South have documented, southern honor dictated that a husband was supposed to protect his wife’s chastity and virtue, by lethal force if necessary, so whippings of this sort violated marital norms on multiple levels. And, “as white women were not expected to defend insults on their own behalf,” victimized southern wives looked to the courts for assistance.³⁰

However, it would be a mistake to stereotype these women as shrinking violets in constant need of male rescue. In fact, their court statements indicate that injured women not only desired, but expected, justice. For example, lawyers in an 1843 case would sarcastically claim, “It is for the Court to say whether striping an aged and respectable Female of her clothing and inflicting stripes upon her back with a cowhide” constitutes “legal cruelty.” Their sixty-year-old client, Anne Souther, had been whipped in this manner on at least one occasion by her forty-five-year-old husband. As Anne related to a friend of hers, she had decided that she could put up with a variety of cruel acts on the part of her husband, but she would not submit to whippings and filed for divorce. Anne’s lawyers believed hers to be an open and shut case of marital cruelty. By proceeding in an

³⁰ *Elizabeth Waid v. William Waid* (1862), LVA-Fr (first and second quotes); Gross, *Double Character*, 49 (third quote). Diana Paton, in her study of crime and punishment in Jamaica, describes how abolitionists would use images of exposed slave women to gain support for the movement. See, Diana Paton, *No Bond but the Law: Punishment, Race, and Gender in Jamaican State Formation, 1780-1870* (Durham: Duke University Press, 2004), 108-109.

overly deferential manner to the court, they implied that the public consensus was already formed in their clients favor.³¹

Aside from using their hands, whips, and sticks as weapons, spouses would also transform regular household items into dangerous objects. As a continuation of the pattern discussed up until this point, it appears as if husbands in Virginia used the most ‘innocuous’ weapons set, followed by Texans, with Wisconsin husbands opting for more deadly tools of cruelty. While husbands might have reached for weapons in a spontaneous fashion, they chose the items that best suited their overall intent. Men also had the option to use objects that women were less able to wield as effectively, such as chairs. Across all three states, husbands were accused of throwing chairs at their wives or using chairs to beat their wives. In particular, Virginia husbands would grab tongs, skillets, or other household items in domestic conflicts. As described in the previous chapter, knives and guns were also available, but this set of husbands did not wish to generally kill their wives, although many threatened it. Moving on to Texas, we find a wider variety of weapons used. Chairs, boards, glass bottles, and tailor’s shears were only a handful of the weapons mentioned. Of course, Texas husbands also grabbed their fair share of odd objects with which to assault their wives. For example, John Pratt struck his wife “in the mouth with a wing of Turkey which bruised her face.” And Peter Betz threw

³¹ *Anne Souther v. Simeon Souther* (1843), LVA-H (all quotes). All wives, in the words of one moral tract author, “much dreaded” the application of the rod, but that did not mean that they submitted meekly to the cruelty of their husbands. See, William Alcott, *The Young Husband; or, Duties of Man in the Marriage Relation* (Boston: C. D. Strong, 1851), 263. Some women would resist the whippings by matching their husbands’ physical force. Essentially, the easiest way to stop the action was to remove the possible weapon so women would attempt to seize the whip or stick. In the case of Jane Orndorff, her husband proved a particularly easy target for this sort of tactic as he had been drinking heavily all day. When her husband came after her with a piece of cowhide in his hand, she turned and “took the cowhide from his hands and left.” See, *Orndorff v. Orndorff* (1848), LVA-Fr.

an umbrella at his wife, while James Barrett preferred to lob socks and glass bottles in his wife's general direction.³²

If we turn our gaze to Wisconsin, we find the same weapons listed above with the addition of more purposefully deadly items, handled with a desire to commit serious injury. Many Wisconsin husbands looking for a domestic weapon would perhaps throw a wash basin at their wives or strike them with a fire shovel, pitcher, pail, iron spoon, teacup, table fork, candlestick, teapot, or a hammer. However, if those items did not result in the degree of physical damage desired, a husband might reach for a more dangerous item. Husbands could even throw pitchforks at their wives. Given the general agricultural nature of Wisconsin society, this tool was readily available and could be injurious from quite a distance. William Bryerton, after a fierce drinking fit, grabbed a pitchfork and threw it at his wife through a window, in the process breaking out “three or four lights of glass.” Luckily, his wife managed to dodge the fork and escape mostly unharmed. Wives recognized that a pitchfork was a “deadly weapon” and, in the case of Margaret Lewis, they would state this fact to the court.³³

The axe was one of the most frequently mentioned, and one of the most harmful, weapons wielded by Wisconsin husbands. Regular articles in local newspapers described

³² *Elizabeth Ann Pratt v. John Pratt* (1855), DCTX-GoC (quote); *Maria Betz v. Peter Betz* (1861), DCTX-GC; *Martha Barrett v. James Barrett* (1860), DCTX-KC. For examples of chair assaults, see *Epharilla Fossett v. Lewis Fossett* (1845), LVA-R ; *Rhoda Carlisle v. Henry Carlisle* (1859), DCTX-KC; *Johannette Lange v. August Lange* (1862), WHS-DC. For Virginia examples, see *Susan Rollins* (1849), Spotsylvania County, LVA-VL; *Nancy Lovell v. David Lovell* (1861), LVA-Fl. For Texas examples see, *Susan Bostic v. Sion Bostic* (1856), DCTX-ColC; *Rebecca Hanson v. Nicholi Hanson* (1853), DCTX-KC; *Caroline Westner v. Christian Westner* (1844), DCTX-FC.

³³ *Maria Bryerton v. William Bryerton* (1862), WHS-DC (first quote); *Margaret Lewis v. Lewis Lewis* (1861), PLAT-IC (second quote). For general Wisconsin examples, see *Mary Burton v. Philo Burton* (1860), OSH-WC; *Celia Ann Bailey v. Thomas Bailey* (nd), OSH-WC; *Rebecca Gray v. F. Gray* (1860), RF-SCC; *Mary Grinnin v. Michael Grinnin* (1847), PLAT-GC. In his study of gender and crime in Victorian England, Martin Wiener found that “weapons use was readily seen as a marker of intent to kill.” See, Wiener, *Men of Blood: Violence, Manliness, and Criminal Justice in Victorian England* (Cambridge: Cambridge University Press, 2004), 198.

what could happen when husbands took their cruelties too far and actually murdered their wives with axes. The particularly violent story of Adam Rettig provides a singular example of marital discord. As reported by *The Daily Milwaukee News*, Rettig was a farmer near Milwaukee who, while his wife was kneeling down performing housework, grabbed an axe and “dealt her a dreadful blow on the head, breaking in her skull, and knocking her senseless to the floor. Not satisfied with this, the wretched man then took a kettle of boiling water and poured it over her from head to foot, while she still lived and shrieked in tortures worse than death.” He then fatally shot himself in the head with a rifle.³⁴ Although this was an admittedly extreme situation, Wisconsin wives in divorce papers described scarily similar scenarios within their own households. Harriet Ann Davey lost the use of her left arm after one such attack. Harriet and her husband Thomas, both English emigrants to Wisconsin, never lived peacefully together. He always found fault with her and could quickly turn violent. In one incident, Thomas knocked her to the floor and then swung an axe at her “which she partially avoided,” the blow landing on her neck and shoulder. As she lay “senseless” on the floor, he then took a razor, dipped it in her blood, and spread the report that she had cut her own throat. His plan did not work, however, because she lived to tell the tale and it became “understood in the neighborhood that he had struck her with an axe.” Thomas Davey’s action led to not only a divorce suit, but also a criminal assault case. Although this dissertation does not focus on criminal cases, the evidence suggests that domestic disputes in Wisconsin were walking a very fine line between life and death.³⁵

³⁴ *The Daily Milwaukee News*, 19 June 1859 (all quotes); *Baraboo Republic*, 23 June 1859.

³⁵ *Harriet Ann Davey v. Thomas Davey* (1851), SP-PC; *United States v. Thomas Davey* (1845), PLAT-IC. Knives were also used by Wisconsin husbands, see *Harriett Castle v. Horatio Castle* (1860), OSH-WC; *The Daily Milwaukee News*, 15 June 1859. Although this study does not look at criminal records, it is

The elevated and ferocious nature of marital violence in Wisconsin owed a great deal to husbands reacting to the pressures of maintaining domestic control in a topsy-turvy society. Wisconsin society in the 1840s and 1850s was still a frontier, characterized by clashing cultures and harsh environmental conditions. As such, husbands and wives could look to a wide variety of gender models when creating their own households. Unlike in the South, Wisconsin men did not have a system of honor or the subordination of an enslaved people to bolster their domestic rule. Therefore, it appears as if Wisconsin men took their cues from the violence that they witnessed in their communities and perpetrated physical marital cruelties as part of a quest to reinforce their authority as the heads of households. In a manner similar to what Christine Stansell observed for antebellum New York, this study finds that Wisconsin's violent men often acted out of "an attempt to recapture and enforce older kinds of masculine authority." In this context, every domestic argument could be seen through the lens of embattled masculine rule. These anxieties partially explain why violence could erupt out of seemingly trivial disagreements. For example, Horatio Castle threw a butcher knife at his wife because he "wanted a different piece of meat on his plate." In general, Wisconsin husbands reacted in cruel ways because they felt as if constant displays of domestic control might somehow shore-up their fragile frontier mastery.³⁶

possible to state that criminal assault cases for domestic violence in the antebellum period were fairly rare. Husbands in all three states could also use bodily fluids as a weapon, which was understood as cruelty. William Waid "made water" all over his wife while she was lying in bed. See, *Elizabeth Waid v. William Waid* (1862), LVA-Fr. William Roper vomited all over his wife and their possessions. See, *Sarah Roper* (1847), Milwaukee Co., WHS-WL. John Curliss "was in the habit of using tobacco" which he would spit into his wife's mouth and face. See, *Lucinda Curliss v. John Curliss* (1860), MIL-MC.

³⁶ Christine Stansell, *City of Women: Sex and Class in New York, 1789-1860* (Urbana: University of Illinois Press, 1987), 78 (first quote); *Harriett Castle v. Horatio Castle* (1860), OSH-WC (second quote). John Mack Faragher comments, "Indeed, nearly all the evidence that one can marshal concerning the relations of Midwestern men and women suggests that the notion of companionate marriage was foreign to the thoughts and feelings of ordinary farm folks." Faragher, *Women and Men on the Overland Trail* (New Haven: Yale

Thus far, this chapter has discussed the behavior of, and societal perceptions surrounding, the physically cruel husband in antebellum America. It has argued that physical cruelty occurred if a man ‘punished’ his spouse in an overly emotional way or if his actions resulted in permanent bodily injury. Across the three states studied, communities expected male household heads to behave in a controlled manner and to protect, not hinder, the productivity of their dependents. While it is clear that husbands were the most frequent perpetrators of physical marital cruelty, the cruel actions of wives should not be overlooked by scholars. The current historiography of marital discord focuses primarily on the actions of men, at the same time painting any evidence of violence by women as trivial, rare, or defensive. In the works that do mention women as violent actors and men as victims, only a few pages are devoted to the topic. In his multiple studies on antebellum domestic violence, David Peterson del Mar refrains from discussing violent women and defends his choice by asserting that “husband abuse” was “rare.” While Peterson del Mar is factually correct, the minority presence of violent women is not a valid reason to exclude them from study. As Linda Gordon and Victoria Bynum have astutely argued, “placing subordinate people center stage need not trivialize the effects of institutionalized oppression. Nor should viewing women as active agents of their own lives suggest that they were to blame for their own oppression.” Studying the

University Press, 1979), 147-148. For additional information on the Wisconsin frontier, see Mark Wyman, *The Wisconsin Frontier* (Bloomington: Indiana University Press, 1998); Alice E. Smith, *The History of Wisconsin: Volume 1 From Exploration to Statehood* (Madison: State Historical Society of Wisconsin, 1973); Kathleen Neils Conzen, *Immigrant Milwaukee, 1836-1860* (Cambridge: Harvard University Press, 1976); Robert C. Nesbit, *Wisconsin: A History* 2nd ed. rev. William F. Thompson (Madison: University of Wisconsin Press, 1989). A Wisconsin wife described how “one would suppose that old Mother Earth had got drunk and emptied her huge stomach into this goodly land of Wisconsin”-so much for the multitude around us.” Emily Huse Letter, 1847, WHS; Letter, Eugene Comstock Papers, 1859-1865, WHS. See also, Elizabeth Rieck spilled a little bit of feed, which her husband saw and beat her as a result. See, *Elizabeth Rieck v. Herman Rieck* (1861), WHS-DC; Ophelia Burlington broke a tea saucer and was beaten by her husband. See, *Ophelia Burlington v. George Burlington* (1858), OSH-WC.

lives of violent women does not minimize or trivialize the challenges posed by patriarchal rule in antebellum America.³⁷

Utilizing a gendered approach to the study of cruelty, the remainder of this chapter explores what happens when we take women's marital physical violence seriously. It also considers what it means for antebellum men to be victims of physical abuse. This analysis is significant, in part, because we, as historians, know a great deal about the ideals of womanhood, yet we still need information regarding the actions of those women who lived at the opposite spectrum of the norm. As individuals struggled to understand the actions and motivations of cruel wives, they outlined how wives/husbands should behave and how marriages should proceed. This study argues that an antebellum wife committed cruelty if she permanently injured her spouse or if her actions severely impaired his labor productivity. The records also indicate that southern wives generally refrained from committing the most lethal forms of cruelty against their husbands. When they contested a husband's domestic authority, they did so in ways calculated to achieve maximum impact with minimum danger. In contrast, Wisconsin wives were more likely

³⁷ David Peterson del Mar, *What Trouble I Have Seen: A History of Violence Against Wives* (Cambridge: Harvard University Press, 1996), 7 (quote); Bynum, *Unruly Women*, 3 (quote). The works of Laura Edwards stand as an important contrast to these interpretations and argues that women and slaves, both dependents, challenged the authority of white males in the South, thereby demonstrating the limits of patriarchy. The women in Edward's work are often aggressive and violent actors who used the law to assert a measure of independence. For works that explore the possibilities of women's cruelty, see Laura Edwards, *The People and Their Peace*; Hindus, *Prison and Plantation*, 79; Blum, "When Marriages Fail"; Jeffrey S. Adler, *First in Violence, Deepest in Dirt: Homicide in Chicago, 1875-1920* (Cambridge: Harvard University Press, 2006), 87. Adler argues, in part, that wives who committed murder were not 'crazy' women but "lived-and-killed-within the boundaries of proper society." For works that focus primarily on men or argue that women's cruelty was defensive or rare, see David Peterson, "Eden Defiled: A History of Violence Against Wives in Oregon (PhD, diss., University of Oregon, 1993); Danelle Moon "Marital Violence Revealed: California Divorce, 1850-1899," (MA thesis, California State University, Fullerton, 1994); A. J. Hammerton, *Cruelty and Companionship: Conflict in Nineteenth-Century Married Life* (London: Routledge, 1992), 111-114. Importantly, Claire Renzetti has observed that, "If women use violence in intimate relationships, we should not assume that they are 'acting like men.'" See, Claire Renzetti, "The Challenge to Feminism Posed by Women's Use of Violence in Intimate Relationships," in *New Versions of Victims: Feminists Struggle with the Concept* ed. Sharon Lamb (New York: New York University Press, 1999), 45.

to use dangerous weapons, include threats against life, and conduct attacks focusing on a husband's domestic and business contributions. The presence of frontier conditions fostered gender role instabilities that resulted in Wisconsin wives feeling uncertain as to their exact place within the home. This, in turn, led to women pushing for more autonomy in their marital relationships.³⁸

Finding extended descriptions of physically cruel wives within the court records poses a challenge for several reasons. As mentioned earlier, fewer cases exist as women were less likely than their male counterparts to perpetrate physical assaults upon their spouses. In addition, husbands were generally hesitant to pursue a divorce on the grounds of physical cruelty. A claim of this nature required a man to come before a group of his peers and relate a story of how his wife had managed to physically dominate him. This admission would speak directly to man's inability to control dependents on the most basic of levels. As Hartog has stated, "The corollary of wife's obedience was husband's authority." For southern men, these statements could also signify the loss of a man's honor, leaving him in a position of weakness and womanhood. Essentially, the assault itself was the initial trauma, but coming before a court to relive the incident was damaging as well. With an awareness of the limitations presented by the source materials, it then becomes necessary to look very closely at the existing petitions that describe women's physical cruelties.³⁹

³⁸ See, *John Allridge v. Charlotta Allridge* (1859), LVA-Wa; *G.W. Tolley v. Elizabeth Tolley* (1855), LVA-Roc; *James Veasy v. Elizabeth Veasy* (1856), DCTX-AuC; Edwards, *The People and Their Peace*, 112-3.

³⁹ Hartog, *Man and Wife in America*, 150 (quote in text), 166 (quote below). Hartog continues, "The prospect of being a Prince Albert, a man ruled by his wife, was a terrifying one for many Americans." Bertram Wyatt-Brown states, "To permit a woman to hurt him physically would be a dire humiliation." See, Wyatt-Brown, *Southern Honor*, 159.

In general, wives were less likely to perpetrate direct physical attacks on their husbands sans weapons. Engaging in hand-to-hand combat required a measure of physical superiority that many women clearly did not possess. If a woman attacked in this way, she could very quickly find the tables turned on her and end up the recipient of abuse at the hands of her intended victim, her husband. It is clear from the records that women generally understood the dangers of close physical proximity when conducting their assaults and therefore attempted to proceed from a distance. However, some women ignored all dangers to their own well-being and proceeded to boldly attack their husbands with blows and slaps. One husband described how his wife would use abusive language and “beat [him] with her hands” which “greatly annoyed and injured his feelings.” In stark contrast to the complaints presented by injured wives, when husbands were the victims they rarely counted the number of blows or slaps or even recorded the location of their injuries. Instead, they typically described a frenzy of hits. Riley Pratt, a Texas man, alleged that soon after marriage his wife “commenced such a system of persecution, upbraidings and criminations as to make his house a place of torment.” Aside from expressing a general “aversion” to him, Elizabeth Pratt also “struck him and fought him a number of times.” His recollection of events was intended to draw attention to Elizabeth’s prolonged attack on his authority, therefore the stories he related only needed to sketch the outlines of her cruelties.⁴⁰

Husbands also argued that a particularly violent solo blow by a wife could constitute cruelty, depending on the physical aftereffects. Hits on the face were the subjects of particular attention. After nine years of marriage, the union of Mary and

⁴⁰ *Kramer v. Kramer* (1860), SP-MC (first quote); *Riley Pratt v. Elizabeth Pratt* (1857), DCTX-FC (second and third quotes). For a series of blows/hits, see also *G. W. Tolley v. Elizabeth Tolley* (1855), LVA-Roc; *Phebe Foley v. James Foley* (1848), LVA-Roc; *G. M. Webb v. Margaret Webb* (1858), DCTX-FC.

Richmond Oliver was in a state of disarray. Mary came before the Portage County, Wisconsin, court claiming that Oliver was an exceedingly cruel man, often in the habit of whipping and choking her. In response to Mary's petition, Oliver denied everything and countered that his wife was actually the cruel partner. As such, he provided a detailed account of a September 1858 incident in which Mary struck him with her fist on the chord of his neck, "which raised a lump thereon as large as a hen's egg and rendered it exceedingly painful." To Oliver, this assault constituted cruelty as it resulted in the unnecessary infliction of pain. Moreover, he wanted the court to recognize the public humiliation associated with carrying around the physical evidence of this confrontation for all to see. The records indicate that wives could also disfigure their husbands by scratching the men's faces, arms, or other body parts. These attacks were generally described as animalistic in nature, characterized by the spontaneous release of angry emotions. A Virginia husband, for example, complained that his wife "repeatedly attempted to chastise him" with a broom stick. When he then pulled the broom stick out of her hands she flew at his face, serrating it "severely" and leaving "three imprints of her nails." He immediately went to the local justice of the peace and exhibited the marks upon his face as evidence of her assault. In similar complaints, other husbands attested to the fact that scratching attacks could result in deep facial lacerations and even scarring.⁴¹

Many wives also relied upon non-bodily weapons during instances of domestic discord. Eschewing traditional weapons, such as guns or knives, women most frequently transformed household items into assaultive tools. They relied upon what they knew. For

⁴¹ *Mary Richmond v. Oliver Richmond* (1859), SP-PC (first quote); *Sarah Hinton v. Archibald Hinton* (1853), LVA-L (second and third quotes); *Thomas Russum v. L. Russum* (1856), DCTX-HC. It was rare to find a woman who choked her husband, but consult this case for an example, *Jane Patrick v. William Patrick*. Jane seized her husband by the throat with "great violence."

example, a domestic cleaning implement might turn into a club while in the hands of a cruel wife. Men, including Wisconsin's Robert Vill, would complain to the courts that their spouses had assaulted and beaten them with "broom sticks" on the head or on other parts of the body. Vill's wife also "tried to strike him on the head with an iron pot." Archibald Hinton, of Texas, was beaten severely until he managed to remove the broom from his wife's hand. Some wives grew creative in their efforts and actually tried to utilize all parts of the broom. In Harrison County, Texas, Alfred and Susan Council were married in December 1855. Only a few years later, Susan attempted to poison Alfred by mixing toxins in with his daily medicine pills. While he lay in bed near death, Susan taunted him by saying, "that the pills were curing him and that he looked better than he ever did." After making a semi-full recovery, Alfred had more obstacles awaiting him. One day when he returned home from the field with sores on his legs from the bugs, his wife proceeded to stick the "jagged and rough ends" of a broom into the open wounds. Susan turned a regular household item into a weapon, and Alfred was completely unsure how to react, although he clearly considered her actions to be cruelty and felt confident that others would agree.⁴²

When wives reached for the items that they felt comfortable handling with force, their hands also might alight upon shovels, candlesticks, fire tongs, or even churn dashes. In his daily diary Virginia resident William Matthews Blackford recalled how one "domestic feud" between a neighbor couple "came to a head" due to a battle over candlesticks. A Mr. Dabney was attempting to take a pair of candlesticks to be restored when Mrs. Dabney decided that she was not in agreement with his plan. She suddenly

⁴² *Sally Vill v. Robert Vill* (1859), GB-OuC (first and second quotes); *Thadeus Pooler v. Jane Pooler* (1861), WHS-DC; *Sarah Hinton v. Archibald Hinton* (1853), LVA-L; *Alfred Council v. Susan Council* (1858), DCTX-HC (second and third quotes).

pounced on her husband and “hit him on the head with one of the candlesticks...then put the fragment into the fire.” As Blackford recalled, this scene quickly became the “town talk” due to the gossip of slaves who had witnessed the entire episode. It was hinted that Mrs. Dabney, in part, committed this action out of desire to protest her husband’s perceived infringement on her domestic authority. As such, she ensured that her husband would think twice before even attempting the slightest alteration to ‘her’ possessions.⁴³

In particular, the kitchen served as a prime location for wives to express themselves in cruel ways. To begin with, as Jeffrey Adler has observed, this was a spot literally busting at the seams with possible domestic weapons that women could handle with great dexterity and expertise. After all, a wife was either the primary cook or she oversaw the cooking process, thus making it possible for her to throw hot coffee or tea on her husband without the man suspecting anything prior to the attack. Unlike the presence of traditional weapons, kitchen items aroused no alarm and allowed wives to get close to their targets. The court records relate how angry wives would look around the kitchen and take up all sorts of items that could inflict injury. A witness to one such attack, Hannibal Cox, recalled how this wife would strike her husband “with any instrument that she could get ahold of.” While eating in the kitchen, she would “take up cups, plates, knives, forks etc” and throw them at her husband, accompanied by words of hatred. Instead of holding/throwing a wide variety of kitchen items, wives could seize upon one particular object to wield against their husbands. Interestingly enough, even a seemingly innocuous table fork could turn into a dangerous weapon in the hands of wives. By resorting to personal violence and abusive language, Sarah Lee made her household a

⁴³ January 25, 1857, Entry, William Matthews Blackford Diaries, 1849-1864, UVA (all quotes). For other domestic weapons, see *Parlay Eaton* (nd), Iowa County, WHS-WL; *James Veasy v. Elizabeth Veasy* (1856), DCTX-AuC; *State of Wisconsin v. Elizabeth Long* (1858), GB-MC.

place of discord instead of harmony. After her husband had successfully gathered a crop of wheat from the field, she proceeded to scatter the wheat on the ground and on the floor of the house, thereby ruining it. When her husband tried to interfere, she “gathered a table fork and attempted to stab” him in the chest. Failing at this initial attack, she then “gathered a skillet or baking oven of some six or seven pounds weight which then threw” at him with apparent success. Almost a year after the above incident, Sarah again attempted to take the life of husband by mixing poison in with the family’s milk supply. By the time that Sarah’s husband filed for divorce, the couple could no longer even eat in the same room together without breaking out in conflict.⁴⁴

Why was the kitchen such a prevalent site of cruelty by women? At its core, the kitchen represented ongoing marital conflicts focusing on gender roles and labor expectations. Across all three states, husbands expected their wives to be involved in the food preparation process. The final meal appearing on the table, even if not made by her own hands, was the wife’s responsibility. Wives, in contrast, could view the kitchen as a location of oppression. Daily food preparation, especially on the frontier, could descend from an art form into a stream of endless drudgery, which many wives resented. They also, of course, took issue when their husbands decided to criticize the meals, down to the smallest details. Therefore, the kitchen environment was primed for domestic conflict at its core. While living in Texas, Eveline Wade continually tried to demonstrate to her husband that she was the dominant actor in the kitchen space. Upon his arrival at meals, she would call him a wide variety of epithets before she would serve the food. On one

⁴⁴ Adler, *First in Violence*, 52; *Oliver Lee v. Sarah Lee* (1861), DCTX-CC (second and third quotes).; *George Harris v. M. E. Harris* (1849), WHS-DC (first quote); *Mary Harris* (1851), Richmond Town/City, LVA-VL. Nancy Roach would throw hot tea upon her husband. See, *Lansing Roach v. Nancy Roach* (1857), WHS-DC. Another wife would throw hot coffee upon her husband. See, *Elizabeth Ann Pratt v. John Pratt* (1855), DCTX-GoC.

particular morning, David Wade came into the kitchen area to find Eveline setting up two breakfast plates, as usual. However, she held back the plates and waited for a gentleman boarder to arrive. She then sat at the table with the boarder and ate breakfast. David stood by in a state of clear shock. Not only did she leave him without breakfast, she gave his food to a paying stranger. Aside from this statement of control and choice, Eveline intermixed physical cruelty into the relationship as well by sometimes grabbing a hammer and hitting her husband on the temple.⁴⁵

The records suggest that, while some wives might attack perfectly healthy husbands, many others proceeded in an opportunistic fashion. Mounting assaults as their husbands were sleeping, weak, or injured these women attempted to eliminate the male advantage of strength. The situation of John and Charlotta Allridge, a Virginia couple, is illustrative. After nearly thirty years of marriage, John claimed he could no longer tolerate living as a “perfect martyr to the shrewish tempers of his wife.” He claimed that for many nights past he had been forced to leave to sleep in other locations due to her continual night attacks. Charlotte “often awoke him at night by the application of hot irons to his body and...would often seize him when asleep & scratch & abuse him with the ferocity of a tigress.” John admitted that he was particularly vulnerable while lying down. Other husbands complained that their wives behaved cruelly while they were sick and in bed. Texas wife Elizabeth Veasy hit her husband with a shoe three times while he was confined in bed and barely able to raise up. It is important to note, however, that the above accounts were based upon the words of husbands, so it is possible that the men

⁴⁵ *Eveline Wade v. David Wade* (1854), DCTX-FC. Since not all wives felt as confident as Eveline in waging a close attack of cruelty, many women would instead throw objects at their husbands. Lobbing a rock or other item at a man from a distance was viewed as a safer course of action as opposed to engaging in any type of hand-to-hand combat, see *Charles Haswell v. E. Maria Haswell* (1857), DCTX-FC; Adler, *First in Violence, Deepest in Dirt*, 52.

emphasized their own incapacity in order to minimize the damage to manhood involved in admitting to being beaten by one's wife. In his study of antebellum Virginia, Joshua Rothman observed that appearing in divorce proceedings was damaging to southern manhood and "this insecurity had to be compensated for by a proclamation of masculinity."⁴⁶

It also appears as if men tried to excuse their own ineffectiveness in dealing with cruel wives by claiming that particular women might possess exceptional levels of strength. Again, a man could more readily explain why he succumbed to a beating by his wife if she was an Amazon and simply too strong to restrain. Appearing before the Wisconsin legislature, one husband asserted that he had to build a separate dwelling for himself in order to escape the evil machinations of his wife. According to his account, she was "a woman of remarkable physical prowess, stronger in muscle than most men." He elaborated with examples of how she would stride around the house ripping off doors from hinges and breaking out windows with her bare hands. He concluded with a plea, "I fear that she will take my life, will beat and bruise me whenever she can get a chance." This wife behaved cruelly because she made her husband fear great bodily injury at her hands.⁴⁷

Conflicts over the nature of household productivity often served as the precursors to cruel actions perpetrated by wives. While the possibly lazy husband could earn the ire

⁴⁶ *John Allridge v. Charlotta Allridge* (1861), LVA-Wa (first and second quotes); *Inda Landreth v. William Landreth* (nd), LVA-Wi; *James Veasy v. Elizabeth Veasy* (1856), DCTX-AuC; Joshua Rothman, *Notorious in the Neighborhood: Sex and Families across the Color Line in Virginia, 1787-1861* (Chapel Hill: University of North Carolina Press, 2003), 175-6 (quote).

⁴⁷ *Benjamin Safford v. Ann Safford* (1848), Washington County, WHS-WL (all quotes); *Robert Lawson v. Catharine Lawson* (1857), WW-WC; *Phebe Foley v. James Foley* (1848), LVA-Roc. In addition, these wives were cruel because they, at the core, failed to conform to the ideal of the submissive woman, see Carl N. Degler, *At Odds: Women and the Family in America from the Revolution to the Present* (New York: Oxford University Press, 1980), 170.

of a wife, women might also assault husbands for not performing domestic tasks in the ‘correct’ way. In frontier areas, a thin line often separated the marital contributions of men and women, thus creating the possibility for battles of authority focused on specific tasks. Lucinda Smith, of Wisconsin, was in the habit of interfering with her husband’s farm work on a daily basis. She would refuse to cook meals for the hired help or would threaten suicide to distract him from his labors. While working with many other men to fence the perimeter of their property, Samuel Smith noticed that Lucinda came out to inspect their progress. Thinking nothing of her presence, the men continued to work until Lucinda commanded them to halt and ordered that they use a different sort of rails. When the men brushed her aside, she then ran over to the wagon and pushed the rails off. As Samuel shoved her away, she “raised her fist and struck” him on the nose, making it bleed as a result. In an unusual turn of events, the couple sat down later that evening and discussed what had happened. They “had a conversation in relation to their respective duties towards each other.” However, no real progress was made. While Samuel argued that he was the “head of the family and as such to be regarded by her,” Lucinda replied that she did not respect him in that role, whereupon she left the house. Through their critical actions and words, Lucinda and other wives attempted to impact the productive processes of their own households.⁴⁸

Wives could also perpetrate cruelties in order to enforce their right to perform their household tasks as they saw fit, without being subject to oversight by their husbands. Cruelty, in this sense, could provide a pathway to some measure of labor independence. Husbands often complained jointly of cruel neglect, described in a

⁴⁸ *Lucinda Smith v. Samuel Smith* (1854), WW-RC (all quotes); *Albert Bowker v. Mereda Bowker* (1863), WHS-DC; *Phebe Foley v. James Foley* (1848), LVA-Roc.

following chapter, and physical cruelty. For example, one man related to the court how his wife refused to cook or do any other domestic work. As a side note, he added that she also regularly inflicted blows and scratches on his face. Wisconsin women, in particular, pushed for more autonomy in matters related to household productivity. Daily life on the frontier was difficult and couples required the labors of both partners to succeed. In this tense atmosphere, confusion over the basic distribution of domestic tasks prompted wives to commit rather severe acts of violence against their partners. One woman, Jane Patrick, grew tired of the stifling behaviors of her husband and his refusal to allow her to procure household goods without his “immediate inspection & surveillance.” Perhaps pushed too far by these constraints, Jane lashed out with sudden acts of violence, even seizing him by the throat during one altercation. In effect, Jane responded to her husband’s efforts at control with her own tactics intended to bolster her authority in the marriage.⁴⁹

In addition, if a husband behaved cruelly in a marriage, his wife might respond in kind. Essentially, a peaceful woman could grow violent in response to constant abuses at the hands of her husband. This phenomenon was well known and often appeared within the divorce records, as well as criminal cases from the period. Fourteen-year-old Caroline Brenig recalled how her mother and father had a difficulty one day that led to murder. Her father arrived home and demanded supper, at which point her mother placed some butter and cheese on the table. He then ordered her to make some coffee, which she put on the stove. As Caroline remembered, her father then “said it took to long and then he hit her [Caroline’s mother].” When Caroline asked why he struck her mother, he then

⁴⁹ *Jane Patrick v. William Patrick* (1860), WHS-DC (all quotes); *Thomas Russum v. L. Russum* (1856), DCTX-HC. When Patrick Long ordered his wife to get breakfast she told him that she would get it when she pleased and hit him “three times with the churn dash she then through the pail after him.” See, *State of Wisconsin v. Elizabeth Long* (1858), GB-MC.

slapped the girl “more than once” so that her “nose bled.” The mother and daughter both left the house at that point to complete a few chores. A little while later Caroline’s mother ran out of the house screaming for her children to flee. It was later learned that the mother had struck her husband in the head with an axe several times, resulting in death. Clearly, not all abused wives went so far as to commit murder, but retaliatory cruelty or violence existed as a definite possibility.⁵⁰

This chapter has revealed that physical cruelty was often a byproduct of marital power struggles. Recognizing the stresses associated with marriage, society generally tolerated a limited amount of physical violence between spouses. A line was crossed, however, if a partner behaved in an overly emotional manner, resorted to violence with regularity, or permanently injured their counterpart. In Virginia and Texas, cruelty was understood in the context of chastisement and mastery. However, in Wisconsin spouses used cruelty as a tool as they jockeyed for position and power in the household and in the relationship. From the experiences of men and women across the three states studied, we learn that while many couples were heavily invested in refining their marriages towards the ideals of the period, other couples were simply trying to limit the bloodshed.

⁵⁰ *State of Wisconsin v. Brenig* (1866), GB-MC (all quotes); *Kramer v. Kramer* (1860), SP-MC; *G. W. Tolley v. Elizabeth Tolley* (1855), LVA-Roc.

CHAPTER THREE

EXCESSES AND OUTRAGES: SEXUAL CRUELTY IN MARRIAGE

Five years after her 1847 marriage, Christiana Wadkins appeared before a Texas district court requesting a divorce on the grounds of sexual cruelties, excesses, and outrages. She related a tale of deep discord describing how her husband, Samuel, spent most nights lost in drink, only occasionally getting up from his chair in order to chase her around the house. If and when Samuel managed to catch her he would either drive her from the home or wrap his hands around her neck, applying pressure until she would pass out. Christiana told the court that she tolerated her husband's violent behaviors, but drew the line when Samuel began to make sexual demands that she deemed dangerous, including forcing her to engage in intercourse even when she was "far gone with child." In these moments of intimate terror, Samuel would proclaim that "if he could not kill her any other way he would in that."¹

When Christiana approached the court she did so out of a desire for protection, but in the process of presenting her claims she fostered a judicial conversation that pushed at the boundaries of Victorian moral conventions. After all, her success depended upon the growing belief that society could, and often needed to, regulate the sexual practices of others. Even in the face of these developing concerns, passing judgment on the intimate actions of others proved no easy task for judges and juries who struggled with how to differentiate between expected marital obligations and dangerous demands.

¹ *Christiana Wadkins v. Samuel Wadkins* (1852), DCTX-WiC.

Using personal documents and divorce records, this chapter explores how men and women in communities and households across Virginia, Texas, and Wisconsin understood and defined possible situations of sexual cruelty, as found within antebellum marriages. Not only did local citizens make supposedly private sexual practices the fodder for public discussion, they also struggled to align larger legal interpretations with community behavioral norms. This chapter traces how, in light of expanding conceptions of cruelty and a growing awareness of bodily pain, residents began to actively explore what constituted proper sexual practices in Victorian America. And, it argues that the discussions surrounding sexual cruelties often reflected ongoing struggles to control the productive processes of women's bodies. The concerns over how certain sexual practices affected a woman's bodily integrity varied according to region with frontier cultures stressing the importance of sustaining a woman's labor potential.²

The chapter opens with an analysis of divorce proceedings in which the absence of sexual relations was the primary complaint. It then transitions to look at cases centering upon excessive or bizarre sexual practices. A vast array of behavioral oddities prompted wives, in particular, to come before the courts and describe nascent scenes of marital rape. The chapter closes with an examination of whether or not the transmission of a venereal disease to one's spouse constituted marital cruelty in antebellum America. In addition to the topics listed above, this chapter will also highlight those moments in which pregnancy violence intersected with sexual cruelty. Not only the product of sexual relations and a key moment in a woman's productivity, pregnancy was also significant in

² Robert Griswold, "Sexual Cruelty and the Case for Divorce in Victorian America," *Signs*, 11 (Spring 1986): 529-541; Robert Griswold, "Law, Sex, Cruelty, and Divorce in Victorian America, 1840-1900," *American Quarterly*, 38 (Winter 1986): 721-745; Margaret Abruzzo, *Polemical Pain: Slavery, Cruelty, and the Rise of Humanitarianism* (Baltimore: Johns Hopkins University Press, 2011).

that communities consistently set the bar for sexual cruelty lower in cases involving pregnant women. Therefore, moments of pregnancy abuse give historians glimpses as to the trajectories of cruelty interpretations in nineteenth-century communities.

Although they generally perceived marriage as something beyond a physical alignment of two bodies, it is important to understand that antebellum spouses anticipated some degree of sexual interaction within their unions. When selecting marital partners men and women took care to choose individuals who appeared physically sound and prepared to participate in the creation of offspring. Therefore, if a husband or wife refused, or was unable, to engage in intercourse, this gestured to an unnatural element within the relationship, which in turn opened up the possibility for community regulation. Biological impotence was an accusation leveled at both husbands and wives within the records. The vast majority of spouses who requested divorces on these grounds claimed that, beyond the condition itself, the pre-marital concealment of vital biologic information constituted cruelty. Mary Dennis, for example, argued that her husband John hid his impotence by “artfully and mischievously plotting.” Following three years of childless marriage, Mary discovered the truth in the midst of a heated confrontation when her husband confessed that he had knowingly misled her. She filed for a divorce citing cruelty, not fraud, as the principle cause. The records show that the courts were generally inclined to grant separation requests in which one spouse, such as Mary, presented uncontested allegations of impotence. Appearing before a judge and jury of one’s peers to level charges of biologic dysfunction was an embarrassing proposition, to say the least, and it appears as if the majority of spouses did everything that they could to avoid a

public trial. Recognizing the concomitant shame of separation on sexual grounds, many couples even chose to relocate prior to pursuing their cases.³

However, seemingly simplistic impotence proceedings also held the potential to spin out of control if a spousal defendant felt obligated to tender a statement in opposition and, in the process, attempt to rehabilitate his or her tarnished reputation. When Peter and Susan Moore “contracted a matrimonial alliance” in 1843 they appeared to have made the perfect match. They resided together for two years before Peter discovered “to his utter surprise and astonishment” that his wife was “not a natural woman.” Armed with this knowledge, Peter felt compelled to leave her and to file for a divorce. To cement his case, Peter’s petition to the Virginia legislature included the request that a court-appointed surgeon examine Susan in order to verify his claims that she suffered from an “unnatural malformation.” Peter refrained from offering any further explanation as to what Susan’s supposed “malformation” entailed. However, he underestimated the resourcefulness of his conjugal mate. Susan refused to give in to his request and countered by presenting a statement from her personal physician. Her doctor not only refuted the accusation of malformation, but stated that Susan clearly engaged in regular intercourse, as evident by her “missing hymen.” Humiliated yet vindicated by this testimony, Susan told the legislators that she presented her physician as a witness so that Peter would understand that she would not stand by and be publicly shamed for a fault that was not her own.⁴ In

³ *Mary Dennis v. John Dennis* (1844), GB-BC (quote); John M. Biggs, *The Concept of Matrimonial Cruelty* (London: Athlone Press, 1962), 170. The Olneys moved from Missouri to Madison, Wisconsin, in order to “spare her the shame of a local divorce” on the grounds of “great bodily infirmity.” See, *William Olney v. Mary Ann Olney* (nd), WHS-DC Another husband, John Rhodes, refused to discuss his wife’s “infirmity” because “it would be improper.” See, *Mary Rhodes v. John Rhodes* (1851), LVA-A.

⁴ *Susan Moore* (1849), Loudoun Co., LVA-VL (all quotes); *Peter Moore* (1848), Fairfax Co., LVA-VL. The divorce records also show women being unable to engage in intercourse due to injuries sustained in periods of prior pregnancy.

the end, the Moore's case aptly illustrates the extent to which sexual cruelty proceedings, even more than other types of cruelty conversations, relied upon the opinions of supposed medical professionals. As Ariela Gross has documented, "medical jurisprudence was a nineteenth-century phenomenon," fed by the idea of trained insight into intimate matters of the body. However, even with a medical advantage in one's corner, court conversations centering upon impotency and cruelty often strayed into embarrassing territory and involved great sacrifices of personal privacy.⁵

Regardless of whether the case centered upon biologic dysfunction or an outright refusal of intercourse, winning a divorce on the basis of sexual dissatisfaction required not only evidence as to the problematic practice, or lack thereof, but also a statement as to why these behaviors proved injurious. Some men and women might have been perfectly content in a relationship sans intercourse, so it fell to the dissatisfied to present a compelling case to the contrary. Husbands were far more likely to appear before the courts lamenting the absence of conjugal interactions, and it proves useful to consider how they approached these delicate matters. Historians have traditionally placed male criticisms of female sexuality with a duty based paradigm. According to this interpretation, wives owed husbands sex in exchange for protection, shelter, etc. So, we would expect to find husbands arriving at court stressing their wives' duty to provide them with sole sexual access. However, the records present a picture that is a bit more complex. Husbands within Wisconsin and Texas were more likely to base their cases upon the existence of marital rights, duties, and obligations. Jacob Chancellor's wife "deprived him of all concubinal rights." John Edgrine's partner "entirely refused and

⁵ *John Hall v. Mary Hall* (1864), GB-KC; *Luzie Lohl v. Conrad Luhl* (1851), DCTX-ComC; *Nancy Rott v. Jacob Rott* (1851), SHRL-JeC; Ariela J. Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Athens: University of Georgia Press, 2000), 134 (quote).

neglected to comply with her legal obligations as his wife, and the obligations of the marital contract.” And, Shepherd Adam simply wanted to “exercise his right as a husband.” In contrast, Virginia husbands appeared more reticent to argue for the right to sexual intercourse and when they did file under this heading, they utilized language that emphasized the emotional aspects of sexual marital relations. Take, for instance, Leonard Bailey who pleaded to the Virginia legislature that his wife “seems to have become to a considerable extent abandoned in her feelings [and] has wholly abandoned her sexual intercourse with your petitioner.” Jacob, John, Shepherd, and Leonard all suffered from the same problem, so why the differences in framing, language, and approach?⁶

A glance at the place of marriage within antebellum sexual struggles gestures towards a few possible explanations. By the mid-nineteenth century husbands across America felt increasingly under attack as various conjugal rights came under growing scrutiny. According to prominent marital historian Hendrik Hartog, an antebellum husband, “knew—or might suddenly discover—that he was no longer sure of his legal rights over his wife....” The gender role instabilities present in frontier Wisconsin and Texas only served to magnify these anxieties, leaving male heads of household feeling overwhelmed and under attack. As such, to shore up their flailing mastery, frontier husbands chose to emphasize the contractual elements of matrimonial unions. This explains why male partners in frontier locales often presented the courts with extensive lists of rights complaints in which sexual interactions appeared alongside cooking or washing duties. Clinging to traditional contractual understandings provided the illusion

⁶ *Jacob Chancellor v. Mary Chancellor* (1850), DCTX-SC (first quote); *John Edgrine v. Joanna Edgrine* (1852), PLAT-LC (second quote); *Shepherd Adams v. Tabitha Adams* (1860), SHRL-OC (third quote); *Leonard Bailey* (1845), Wythe Co., LVA-VL (fourth quote); Carl Degler, *At Odds: Women and the Family in America from the Revolution to the Present* (New York: Oxford University Press, 1980); Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2000).

that the duty-based paradigm of marriage still held true in a time of perceived social chaos. It also allowed for an interpretational mechanism by which men could continue to harness and control all categories of women's productive potential, including childbearing.⁷

Husbands in Virginia, however, did not evince a need to directly place marital sexuality within a rights discourse. Perhaps they believed, due to longstanding patriarchal traditions, that they could reap the benefits of the rights of duty without making overt references in that direction. Or, maybe they were influenced by the growing ideals of romantic love. Either way, the records show that Virginia's men were far more likely to create an association between a woman's sexual failings and her general immorality. In some cases this meant bookending cruelty complaints with hints of adulterous behavior. In his petition for divorce Jacob Cool alleged that his wife cruelly refused to sleep with him any longer. As a possible explanation for her behavior, he offered up the possibility of adultery. Stopping short of accusing his wife of outright infidelity, he instead intimated that the couple's neighbors and friends doubted her faithfulness. Sexual innocence and virtue existed at the core of a southern white woman's identity, so Jacob's comments held the potential to severely damage his wife's social credit or character in the local community. By drawing attention to his wife's potential moral weaknesses and by directly refraining from mentioning what he felt he was owed, Jacob successfully painted himself as a masculine victim saddled with a wifely villain.⁸

⁷ Hendrik Hartog, "Lawyering, Husbands' Rights, and "the Unwritten Law" in Nineteenth-Century America," *Journal of American History* 84 (June 1997): 67 (quote). For a sample list of rights violations, see *Jacob Chancellor v. Mary Chancellor* (1850), DCTX-SC.

⁸ *Jacob Cool v. Rebecca Cool* (1858), LVA-Roc.

Aside from unnatural malformations or extramarital entanglements and despite their husband's claims to the contrary, antebellum women often possessed good reasons to avoid engaging in marital intercourse. First and foremost, sex led to pregnancy and childbirth, two experiences characterized by physical danger. Numerous scholars have aptly described how antebellum women greatly feared "the much-glorified institution of motherhood" for the trials contained therein. Despite harboring anxieties, the majority of wives continued to fulfill their marital sexual obligations, even if unwillingly. However, some women pushed their marriages to the brink by enacting elaborate plans to avoid sexual intercourse. The divorce bills of their disgruntled husbands provide historians with an indication as to how these women proceeded.⁹

Although various abortifacients were available to antebellum wives, the preferred way to steer clear of pregnancy involved occupying a separate bedchamber from one's spouse. It is important to note that husbands generally considered this act of physical separation and sexual denial cruel in and of itself. After all, a man living with a woman under these conditions not only relinquished his right to her body, he also lost management over a portion of his own home. The records show sexually spurned husbands frequently complaining to the courts that they cohabitated as strangers alongside their spouses. Harriet and Cornelius Dow, for instance, lived in a Wisconsin household together, yet they refrained from speaking to or sleeping with one another.

⁹ Anne Firor Scott, "Women's Perspective on the Patriarchy in the 1850s," in *Half Sisters of History: Southern Women and the American Past*, ed. Catherine Clinton (London: Duke University Press, 1994), 79 (quote). For more information on pregnancy and childbirth in antebellum America, see Sally G. McMillen, *Motherhood in the Old South: Pregnancy, Childbirth, and Infant Rearing* (Baton Rouge: Louisiana State University Press, 1990); Judith Walzer Leavitt, *Brought to Bed: Childbearing in America, 1750 to 1950* (New York: Oxford University Press, 1986); William Scarborough, *Masters of the Big House: Elite Slaveholders of the Mid-Nineteenth-Century South* (Baton Rouge: Louisiana State University Press, 2003); Carroll Smith-Rosenberg and Charles Rosenberg, "The Female Animal: Medical and Biological Views of Women and Her Role in Nineteenth-Century America," *Journal of American History*, 60 (Sept. 1973): 332-356.

When questioned about her distant demeanor, Harriet admitted to the court that she “did object to raising more children” and behaved in a manner designed to avoid the possibility of impregnation. After bringing up twelve children with only minimal assistance from Cornelius, she had had enough and was determined to enact a de facto sexual separation. She remained unapologetic as she described to the court how she rarely interacted with Cornelius. As the Dow case amply illustrates, separatist actions centering upon the bed chamber quite often spread to include living spaces and eating areas as well as spouses avoided even the most basic of contacts.¹⁰

Not content with simply staking claim to a separate sleeping area, some women chose to employ threats and physical violence to defend these new domestic arrangements, much to the consternation and chagrin of their mates. Striking at the base of the issue, they would use threatening language in an attempt to create a negative association in their husband’s minds between sexual intercourse and pregnancy. Simply put, they wanted men to fear the possibility of pregnancy as much as women did. So, defensive wives would warn their husbands that various catastrophic events would occur upon the discovery of a pregnancy. Poisoning was one of the most effective threats that a woman in this position could make as it exposed the degree to which men relied upon the food preparation skills of their wives. Stephen Miles, a Texas husband, told the court that he was afraid to ask his wife for intercourse after she, quite shockingly, proclaimed to relatives and neighbors that she would poison her husband and their two children if she was to become pregnant once again. Suffering from shame at his own inept mastery, Stephen waited years before coming to the court and asking for a divorce on the grounds

¹⁰ *Harriet Dow v. Cornelius Dow* (1861), PLAT-GnC. Mary Hawley, a Texas wife, allegedly told her husband that she would live with him “as a boarder but never as a wife” and refused to occupy a bed with him. *George Hawley v. Mary Hawley* (1857), SHRL-JeC.

of cruelty. Within his bill he grudgingly admitted that his wife's actions had the intended effect as he avoided approaching her bed chamber due to the virulent nature of her verbal barbs.¹¹

If threats failed to prove effective, wives occasionally relied upon a combination of advance planning and physical action to maintain distance from their spouses. After all, the possibility of engaging in hand-to-hand combat was an undesirable outcome as wives recognized that they would, generally, be outmatched in term of physical force. One approach was to bar the door of the bedroom to prevent entry. Another tactic wives employed involved ordering a husband from the bedchamber for the entirety of evening and night hours. If a husband then ignored his wife's admonishments and proceeded to the bed he might be seriously injured as a result. After being married only a few months, E. Blair learned that he was not welcome in his wife's bed. She told him to stay away and when he tried to get closer, she "procured a knife and took it to bed with her," telling him that if he approached the bed she would kill him. Not always making idle threats, some wives enforced their orders with potentially deadly force. Consider the case of Joanne Lamkin, a Texas wife, who stabbed her husband with an iron poker when he entered her bedchamber, after ignoring admonishments to the contrary. Silas Lamkin received a divorce because the jury, while not sympathetic to his absence of sex complaint, was convinced that cruelty occurred when Joanne proceeded to physically injure her spouse.¹²

¹¹ *S. C. Miles v. E. Miles* (1850), LC-MC. Lucinda Smith of Wisconsin supposedly threatened to "butcher" her husband in the event that she became pregnant again. *Lucinda Smith v. Samuel Smith* (1854), WW-RC. Women would also use the threat of abortion to keep their husbands away. And, some women in the records followed through with their initial threats, see *J. Pierce v. Caroline Pierce* (nd), WW-WC; *Horace Richmond v. Sarah Richmond* (1856), SP-PC.

¹² *E Blair v. Jane Blair* (1855), DCTX-GoC (all quotes); *Joanne Lamkin v. Silas Lamkin* (1856), VRHC-JC; *Albert Johnson v. Nancy Johnson* (1856), DCTX-HC; *Lewis v. Lucinda Lewis* (1858), SHRL-OC. Since not all wives felt confident in waging close attacks, they might instead choose to throw objects at their husbands. Lobbing a rock or other item at a man from a distance was viewed as a safer course of action as

The evidence indicates that frontier wives, in particular, evinced a willingness to defend their personal space with physical aggressiveness. Caged in by isolation and with limited opportunities to call on others for assistance, defense-minded wives in frontier spaces perhaps drew upon extra levels of force in order to counter the challenges directed at them by their husbands. The sex-avoidance strategies employed by antebellum women accords with Laura Edwards's argument that, "Wives did not try to establish their own position as equal individuals in physical confrontations with their husbands. But they did use force when they thought husbands had pushed the limits of their authority too far or expressed it inappropriately." Through their acts of sexual resistance Lamkin and other women expressly denied the idea that husbands should enjoy unlimited access to marital conjugal interactions and instead demanded the right to maintain control of their own reproductive processes within marriages. And, those husbands who sustained injuries in intimate spatial contests hoped to show the courts that the physically aggressive actions of their wives demonstrated that their marriages were damaged beyond repair. Refusing sex may not have been a divorceable wrong, but permanently injuring one's spouse in the process of avoiding intercourse constituted cruelty.¹³

Whereas men were the vast majority of spouses who appeared before the courts complaining about the lack of intercourse, it was women who generally mounted protests on the basis of excessive or bizarre sexual practices in marriage. Through their divorce

opposed to engaging in any type of hand-to-hand combat, see *Charles Haswell v. E. Maria Haswell* (1857), DCTX-FC. See also Jeffrey S. Adler, *First in Violence, Deepest in Dirt: Homicide in Chicago, 1875-1920* (Cambridge: Harvard University Press, 2006), 52.

¹³ Laura F. Edwards, "Law, Domestic Violence, and the Limits of Patriarchal Authority in the Antebellum South," in *Gender and the Southern Body Politic*, ed. Nancy Bercaw (Jackson: University Press of Mississippi, 2000), 77 (quote); Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009), 179; Francelle L. Blum, "When Marriages Fail: Divorce in Nineteenth-Century Texas," (PhD diss., Rice University, 2008), 112-113; Griswold, "Law, Sex, Cruelty," 737.

bills these women forced the courts to engage in uncomfortable conversations regarding exactly what constituted normal sexual relations. They asked: at what point did intimate requests or demands become excessive and satisfy the legal requirements of cruelty? In general, wives who pursued divorces on the basis of sexual deviance faced an uphill battle in proving their cases. To begin with, they were in the unenviable position of pressuring their peers to discuss matters that generally remained hidden behind closed doors. They also were asking a group of men to recognize the need to regulate sex which, in turn, could place these same men in a position of being vulnerable to judicial sexual policing. And, in order to satisfy the ‘clean hands’ doctrine of adversarial divorce, a wife needed to maintain an aura of innocence and virtue while presenting information to the court that was anything but innocent or virtuous. This posed quite a challenge as, in the words of Robert Ireland, “According to both the written and unwritten law it was sometimes worse to speak about the conduct than it was to engage in the conduct itself.” Victorian society felt a marked reticence about broaching sexual matters in public and the litigants who did so ran the risk of being labeled vulgar or rude just for their initial efforts.¹⁴

Although justices across the country increasingly recognized mental anguish as a viable cause for separation, winning a divorce on the basis of sexual excesses required clear evidence of physical injury or the reasonable apprehension of it. Eliza Wyman’s case is illustrative of the antebellum evidentiary requirements. Married only a short time,

¹⁴ Robert M. Ireland, “The Libertine Must Die: Sexual Dishonor and the Unwritten Law in the Nineteenth-Century United States,” *Journal of Social History*, 23 (Autumn, 1989): 35 (quote). Charlene M. Boyer Lewis, in her work on the Virginia Springs culture, describes how the therapeutic springs were one other arena in which a person’s body was an appropriate topic of public discussion. See, Charlene M. Boyer Lewis, *Ladies and Gentlemen on Display: Planter Society at the Virginia Springs, 1790-1860* (Charlottesville: University Press of Virginia, 2001), 113.

Eliza filed for divorce claiming that her husband's ongoing physical violence compromised her already delicate health. In particular, William Wyman "was excessive in his demands for sexual intercourse." To prove her allegations, Eliza's physician Alman Lull appeared and described how he had diagnosed her with a "local inflammation of the womb." He recalled how she had been "unable to turn herself or sit up in bed" due to being "completely goded out with sexual intercourse." Based upon his observations of her body, he felt as if he could conclusively tell the court that her condition directly stemmed from "too much intercourse." Satisfied with Lull's testimony, the court dissolved the Wyman's marriage. By issuing this ruling, the court found that William needed to more fully embody the growing Victorian ideal of masculine self-restraint and emotional control. While women were admonished to follow the precepts of passionlessness, society increasingly called upon men to control their baser animal instincts, especially in marriage.¹⁵

While many men heeded this warning, others went to the opposite extreme and forced their wives to engage in intercourse. Marital rape as a legal concept was just beginning to gain traction in the years leading up to the Civil War. Under the earlier legal model of coverture, courts could not convict husbands of marital rape because they could not hold a man accountable for damaging what was considered his own property, his wife's body. In the words of seventeenth-century legal theorist Matthew Hale, "The husband cannot be guilty of rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract, the wife hath given up herself in this kind unto

¹⁵ *Eliza Wyman v. William Wyman* (1849), MIL-MC (all quotes). For information on the growing importance of emotional control, see E. Anthony Rotundo, "Body and Soul: Changing Ideals of American Middle-Class Manhood, 1770-1920," *Journal of Social History*, 16 (Summer, 1983): 27; Griswold, "Law, Sex, Cruelty," 721-745; Griswold, "Sexual Cruelty," 531.

her husband, which she cannot retract.” However, this perspective began to change when women’s rights advocates operating in the 1850s drew attention to this legal loophole, compared marriage to slavery, and pushed for expanded bodily rights for wives. Other social reformers took up the call as well, and by the late antebellum period a significant number of tracts circulated advocating for the legal recognition of marital rape. One such work, *The Fugitive Wife* (1866), proclaimed, “If we will save the institution of marriage, we must protect the wife, as we do the unmarried woman, against the passions of man, and give the husband no more control over the person, *body or soul*, of the woman, after marriage than before.” As the language of the quote makes clear, what was at stake was the very survival of marriage in society.¹⁶

Despite the developing public conversation regarding marital bodily ownership, it would be a mistake to assert that accusations of spousal rape appeared with great frequency within the divorce records. Undoubtedly, spouses continued to question whether or not coerced sex could sustain a cruelty ruling in and of itself. When this is considered alongside the fact that female sexual submission, at least in the South, was still touted as a hallmark of femininity, it is not surprising that the southern court records, in particular, yield few results. Turning to Wisconsin we find far more women willing to come to the court on these grounds. Sparing very few details in their pursuit of justice, Wisconsin wives laid out their private lives before the courts. One woman, Harriet

¹⁶ David Finkelhor and Kersti Yllo, *License to Rape: Sexual Abuse of Wives* (New York: Holt, Rinehart, and Winston, 1985), 2 (first quote); *The Fugitive Wife: A Criticism on Marriage, Adultery, and Divorce* (Boston: Bela Marsh, 1866), Warren Chase Papers, WHS; Cott, *Public Vows*, 62-67; Merrill Smith, “Introduction: Studying Rape in American History,” in *Sex Without Consent: Rape and Sexual Coercion in America*, ed. Merrill Smith (New York: New York University Press, 2001), 4; Elizabeth Pleck, *Domestic Tyranny: The Making of Social Policy Against Family Violence from Colonial Times to the Present* (New York: Oxford University Press, 1987), 91, 94; Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999), 72-73. I agree with Elizabeth Pleck that to look for an early history of marital rape, we must examine divorce suits as the precursors of what will later become descriptions of assaults.

Hubbard, decided that simply gesturing towards excessive behaviors would not prove sufficient for a ruling in her favor, so she quantified what she meant by excess.

According to her account, Harriet's husband Mortimer compelled her to have sex "twice to three times in every twenty four hours & almost every day." As a result of his actions, her health and constitution were entirely destroyed. To compel a woman to submit, the records describe how a husband could use a wide variety of forcible techniques, including pushing her against the bed or holding a weapon against her neck.¹⁷

For mid-nineteenth-century society marital rape was problematic in numerous ways. Forced sex constituted an excessive behavior and it was generally believed that any action beyond moderation could yield severe physical consequences. The female nervous system, in particular, was perceived as "prone to overstimulation and resulting exhaustion." And, a husband's ongoing sexual assaults could create catastrophic consequences, including the inability to bear children. Such direct attacks on a woman's future productivity could not be tolerated. That is one reason why husbands who forced their wives to engage in sex at an advanced state of pregnancy were placed under particular scrutiny. Men such as Samuel Wadkins, whose story opens this chapter, mortgaged their wife's productive future for the sake of the present pleasures. If a woman could document specific instances of coerced sex and provide evidence of a resulting miscarriage, it was difficult for juries and judges to find against her.¹⁸

¹⁷ *Harriet Hubbard v. Mortimer Hubbard* (1859), WHS-KC (quote); *Rachel Gardner v. Augustus Gardner* (1859), WHS-DC; *Edmund Stockwell v. Rachael Stockwell* (1857), OSH-WC; Elizabeth Blair Clark, "The Inward Fire: A History of Marital Cruelty in the Northeastern United States, 1800-1860," (PhD diss., Harvard University, 2006), 70. Because of its rarity, marital rape is a very understudied area of antebellum U.S. history. For a commentary on this from an English social historical perspective, see A. James Hammerton, *Cruelty and Companionship: Conflict in Nineteenth-Century Married Life* (London: Routledge, 1992), 108.

¹⁸ Smith-Rosenberg and Rosenberg, "Female Animal," 334 (quote); Helen Lefkowitz Horowitz, *Rereading Sex: Battles over Sexual Knowledge and Suppression in Nineteenth-Century America* (New York: Alfred

Injured wives could also find a sympathetic audience if they engaged with a growing discourse focusing on the nature of pain. In her masterful history of pain and humanitarianism, Margaret Abruzzo describes how antebellum men and women came to understand cruelty as the infliction of unnecessary pain. In this context, “Cruelty at once undermined refined civilization and human nature.” Therefore, a woman’s case was immeasurably strengthened if she could chronicle in detail the physical sensations accompanying scenes of coerced sex.¹⁹ Pain played a central role in the divorce bill presented by Elizabeth Bruss. After only a month of cohabitation with her spouse, Elizabeth came to the Milwaukee court seeking a separation. According to her account, Frederick, her husband, regularly “compeled and forced her to have sexual intercourse with him.” His actions “gave her extreme pain” as the “unnaturally large” size of his genitals led to widespread damage to her “private parts.” In an interesting twist, Frederick provided an answer to his wife’s complaint in which he denied forcing her to do anything sexual. He also questioned, and evinced surprise at, the fact that “she could pronounce his penis and know it to be unnaturally large as compared with others” when, in actuality, “his penis is rather smaller than the usual size.” Through his statements, Frederick intimated that his wife was not nearly as sexually innocent as she attempted to appear. A “thick set, square built, stout and healthy woman” she could withstand her marital obligations without experiencing pain. Recognizing the potentially treacherous territory

A. Knopf, 2002), 5; Mary Poovey, ““Scenes of Indelicate Character”: The Medical “Treatment” of Victorian Women,” in *The Making of the Modern Body: Sexuality and Society in the Nineteenth Century*, ed. Catherine Gallagher and Thomas Laquer (Berkeley: University of California Press, 1987), 146; David G. Pugh, *Sons of Liberty: The Masculine Mind in Nineteenth-Century America* (Westport: Greenwood Press, 1983), 73; Griswold, “Evolution of the Doctrine,” 130-131; Ireland, “Libertine Must Die,” 28-29. For examples of coerced sex during pregnancy see, *Christiana Wadkins v. Samuel Wadkins* (1852), DCTX-WiC; see also *Emily Gorton v. Laurentine Gorton* (1859), STO-PC.

¹⁹ Abruzzo, *Polemical Pain*, 70 (quote); Martin S. Pernick, *A Calculus of Suffering: Pain, Professionalism, and Anesthesia in Nineteenth-Century America* (New York: Columbia University Press, 1985), 43, 65, 230.

of bodily feeling, Frederick made it a point to emphasize that their relations were pain-free. Through the graphic descriptions provided therein, the Bruss' case turned the judge and jury into voyeurs who gained glimpses into a bundle of potentially disturbing marital dynamics. Armed with this knowledge, they had to determine if Elizabeth's right to bodily integrity was violated by the suffering and pain inherent in her marriage to Frederick. The stakes were particularly high for Elizabeth who, in a similar fashion as other frontier wives, needed to maintain her productive capabilities in order to survive. Unfortunately for historians, the final verdict in the case was not recorded.²⁰

Whereas marital rape was a relatively new legal concept, the willful transmission of disease existed as one of the oldest generally recognized categories of cruelty. Even with its long pedigree it was not an easy violation to pinpoint. The term "willful," in particular, posed all sorts of interpretational difficulties. In theory, to be found guilty of cruelty, a spouse not only had to infect their partner but they had to do so with "willful" intent. However, in the face of an onslaught of medical studies postulating a relationship between sexual disease and catastrophic bodily dysfunction, antebellum citizens began to place less of an emphasis on intent and more of a focus on the ways in which an illness altered a person's productive potential in society. As a result, spouses who infected their partners were subject to growing condemnation within the records. Although this study does not examine those cases filed as adultery proceedings, venereal disease claims

²⁰ *Elizabeth Bruss v. Frederick Bruss* (1858), MIL-MC (all quotes); *Fredericke Kupfer v. Andreas Kupfer* (1860), MIL-MC; *Caroline Connolly v. William Connolly* (1859), WHS-DC. In an even more awkward twist, it was revealed that Frederick's mother had actually arranged the match. For an apt discussion of antebellum bodily integrity, see Elizabeth B. Clark, "'The Sacred Rights of the Weak': Pain, Sympathy, and the Culture of Individual Rights in Antebellum America," *Journal of American History*, 82 (Sept. 1995): 463-493. One problem facing spouses who presented sexual cruelty cases was that few individuals, aside from physicians, were willing to come before the courts and provide testimony. For example, in the Bruss's divorce proceeding, a bill and an answer were the only marital commentaries.

usually existed at the intersections between adultery and cruelty. The disease itself served as convincing evidence of adultery, while the transmission of the illness potentially constituted cruelty.²¹

The patterns present in venereal disease cruelty cases varied little according to region, although the manner of infection differed somewhat. In particular, the continuing sexual assaults upon enslaved women by white men fostered a virulent disease environment in the southern states studied. In accordance with the southern sexual double-standard, husbands in these areas could engage in extramarital liaisons with little thought as to possible marital disruptions. That is, of course, unless they managed to infect their wives in the process. If we turn our attention to Wisconsin, many of the disease cruelty claims here still possessed clear links to adulterous practices, but the coercive nature of racial sexual exploitation did not hold as prominent of a place in the records.²²

In all of the locations studied, the records consistently show infected spouses torn between the desire to conceal their condition and the need to find solace by telling others of their troubles. Hiding the disease from one's marital partner might involve avoiding intimate contact during flare-ups or even leaving town for brief periods of time. Regarding this exact dilemma, one diarist noted, "Clapp—much itching in my flopper—must keep away from wife." However, on occasion, men and women failed to behave

²¹ Biggs, *Matrimonial Cruelty*, 131; Basch, *Framing American Divorce*, 58. A solid overview of venereal disease history is found within Allan M. Brandt, *No Magic Bullet: A Social History of Venereal Disease in the United States Since 1880* (New York: Oxford University Press, 1985).

²² The southern sexual double standard is explained by Joshua Rothman in *Notorious in the Neighborhood: Sex and Families across the Color Line in Virginia, 1787-1861* (Chapel Hill: University of North Carolina Press, 2003), 186; John D'Emilio and Estelle B. Freedman, *Intimate Matters: A History of Sexuality in America* (New York: Harper & Row, 1988), 95. Silas Latham, a southern slaveowner, told neighbors that he had a disease "communicated to him by a negro woman he sold." *Lucinda Latham v. Silas Latham* (1854), LVA-Be.

covertly in their extramarital dalliances and this same lack of caution characterized their disease responses. Mansfield Seymour, a Mecklenburg County, Virginia, resident was known for his trysts in the forest with lewd women. A local man even witnessed him buttoning up his pants after one such encounter. It was another neighbor, George King, who became Mansfield's unwilling confidante. According to King, Mansfield told him that he had been involved with a local mulatto woman and had caught a disease from her. Asking for advice, Mansfield then pulled down his pants and showed King his private parts which were "much diseased he having to use bandages." Not stopping there, he also removed a secreted chest and showed King "the instrument for injecting his penis" and "the boxes of capsules, which he said he was using for a cure." Even in a culture tolerant of male sexual infidelities, Mansfield had gone too far. His irresponsible actions had rendered his penis, the very symbol of his manhood, useless and deformed. As such, his male neighbors, including King, participated in the case in order to ensure that Mansfield's display of inept mastery did not go unpunished. After all, his lack of caution threatened to draw attention to the issue of extramarital relationships on the whole.²³

As Mansfield's actions demonstrated, many carriers of venereal diseases sought curative options and then placed the blame on medicinal failures if they happened to infect their partners. Although the biological aspects of infectious disease were a growing topic of conversation in the antebellum period, we should not overstate the fact that reliable information regarding these illnesses was still quite limited. This meant that

²³ Clare A. Lyons, *Sex Among the Rabble: An Intimate History of Gender and Power in the Age of Revolution, Philadelphia, 1730-1830* (Durham: University of North Carolina Press, 2006), 253 (first quote); *Sallie Seymour v. Mansfield Seymour* (1857), LVA-Me (second and third quotes). When asked by the court, one man said that it was "commonly known" that his neighbor, John Paige, had the clap. See *S.A. Paige v. John Paige* (1859), DCTX-GuC; *Matilda Bryant v. Robert Bryant* (1855), LVA-He; Laura Hanft Korobkin, *Criminal Conversations: Sentimentality and Nineteenth-Century Legal Stories of Adultery* (New York: Columbia University Press, 1998), 148.

many spouses could not identify the exact ailment of combination of ailments that they suffered from, thus making effective treatment much more difficult. And, when and if an infected individual obtained a diagnosis, their problems were by no means over. Studies of venereal disease wards during this period have shown how the supposed cure could actually be more harmful to the person than the disease itself. This was certainly the case if the patient happened to be pregnant. Mercury treatments, for example, often led to the birth of stillborns. Even with the potential for a negative outcome, antebellum citizens continued to trade supposed remedies, magnifying the potential for curative damage. In addition to medical excuses, spouses under scrutiny for spreading diseases also mounted defenses by accusing their partners of other categories of excess, including drinking. Washington Chiles, for example, countered his wife's allegations that he had a "dangerous and loathsome bodily disease" by alleging that she was "in the constant habit of indulging in the use of ardent spirits." Another far less persuasive defense involved a husband lamenting that his wife refused intercourse, thereby driving him to commit adultery and become diseased. According to this argument, if a sexually frigid woman was infected it was as a direct consequence of her own conjugal failings.²⁴

All defenses generally came to naught if a victimized partner could provide physical evidence as to bodily damage caused by a venereal disease. Unfortunately for injured spouses, making a case based upon impaired physicality was a difficult task as even medical professionals remained divided as to the effects of illness on the body. So while doctors frequently provided statements to the courts diagnosing particular types of

²⁴ *Mary Chiles v. Washington Chiles* (1860), LVA-A (quote); *Frances Jones v. James Jones* (1862), LVA-Ly; *Joanna Frederick v. John Frederick* (1861), WHS-DC; Lyons, *Sex Among the Rabble*, 253-255; Scott C. Martin, *Devil of the Domestic Sphere: Temperance, Gender, and Middle-Class Ideology, 1800-1860* (DeKalb: Northern Illinois University Press, 2008), 25, 32.

diseases, they refrained from elaborating too much on the long term consequences of infection. This hesitancy broke down if the victim in question happened to be filing for divorce on the basis of a disease-induced pregnancy disaster. Women in these situations often stood to benefit from the diminishing importance of intent and the escalated probability of success if they could provide clear indications of outright damage to the child in question. As such, they made it a point to call upon physicians to prove to the courts that infants born to an infected mother faced unique health challenges. In a fitting example of medical jurisprudence, one doctor operating out of Texas even presented his theory to the court that the “filthy and loathsome” disease of gonorrhea produced a “shock upon the brain,” killing children shortly after birth.²⁵

In addition to eliciting supporting medical testimony, wives with problematic pregnancies also presented some of the most detailed bills found within the records. Consider, for example, the disastrous marriage of Peter and Eliza Julien. Amid the bustling seaport of Norfolk, Virginia, the Julien’s relationship foundered as a result of Peter conforming to the naval pattern of disease transmission. According to the standard narrative, husbands employed in various naval professions would spend long periods separated from their marital partners, engage in sexual liaisons, return home, and infect their long waiting wives. Then, they would head off again, leaving the wives to suffer in solitude. This pattern took hold in the Julien’s relationship almost immediately with the couple marrying young and Peter beginning work as a sailor soon thereafter. It quickly became evident, however, that his return visits home were not a cause for celebration.

²⁵ *Mary Pierce v. John Pierce* (1855), DCTX-FC (quote). In a case of medical hesitance, the physician Frederick Vail diagnosed a defendant wife, Lansany Batten, with gonorrhea but refused to elaborate on the consequences of her transmitting the disease to her husband. *Henry Batten v. Lansany Batten* (1853), LVA-I.

During one short leave he gave his wife a venereal disease identified by a physician as the “China Pox.” After a period of intense questioning at the hands of his mother-in-law, Peter admitted his error and promised to do better in the future. He then promptly returned to his life at sea leaving his pregnant and infected wife with no means of support. When he saw his wife the next time, five weeks later, he got her sick again this time with the clap. Again, he admitted his actions and apologized. Only a few weeks after the receipt of this latest apology, Eliza Ann gave birth to a sickly child who died shortly thereafter. Blaming her husband for the infant’s death and frustrated by her own continuing bouts with illness, she filed for divorce claiming cruelty, not adultery, as the cause. Proving that the transmission of a venereal disease constituted cruelty was not always an easy task, but Eliza’s physical trials held the power to sway an otherwise hesitant jury.²⁶

This chapter has shown that sexual marital cruelty in antebellum America could take a variety of forms, including refusals of intercourse, excessive behaviors, coerced sex, or the passage of disease to one’s partner. When an injured spouse approached the court claiming one of these violations, they initiated a conversation that blurred the boundaries of public and private in Victorian society. Winning a case necessitated providing abundant explicit detail, thus turning average men and women into voyeuristic observers wrestling with graphic judicial quandaries. In accordance with the growing professionalization of medicine, physicians and doctors shaped understandings of sexual cruelty to an extent beyond that of other categories of abuse. After all, it was difficult for

²⁶ *Eliza Julien v. Peter Julien* (1857), LVA-No (all quotes). For another example of the naval pattern of infection, see *Annie Tegetthoff v. Leopold Tegetthoff* (1859), LVA-No. In cases involving disease transmission, a court might also prohibit the infected partner from remarrying. This was an attempt to stop the further spread of infection, see *Margaret Norwood v. Nathaniel Norwood* (1853), LVA-Br.

everyday men and women to determine the outlines of sexual misbehavior when the very nature of sex remained shrouded in biological mystery. Despite these interpretational challenges, the records clearly show that the court conversations regarding sexual cruelty revolved around how to effectively control, manage, and protect the productive potential of women's bodies.²⁷

²⁷ John Mack Faragher, *Women and Men on the Overland Trail* (New Haven: Yale University Press, 1979), 2.

CHAPTER FOUR

DESTRUCTIVE SPIRITS: INTEMPERANCE AND ECONOMIC CRUELTY

As the daughter of a middling Virginia family, Harriett expected nothing less than a loving, stable marriage. To cement her ideal spousal partnership she brought significant property, both real and personal, to the marital altar when she wed William Smith. The couple enjoyed a comfortable married life until William's affinity for ardent spirits began to disrupt the household. Out of a determination to fulfill her wifely and motherly duties, Harriett waited thirteen years before filing for a divorce in the Botetourt County court of chancery. In 1847, with years of evidence to support her claims, she submitted a lengthy bill of complaint to the court. Unfortunately for Harriett, according to legal precedent, intemperance alone was not a viable cause for divorce in Virginia during this period. She had to prove that William's habits constituted, and contributed to, cruelty in their marriage. With that legal need in mind, Harriett regaled the court with the real life account of how a man could transform from a proud husband into a dangerous wastrel.¹

The most damaging evidence pointed to the fact that William repeatedly made financial decisions that threatened the stability of his household. Instead of carefully managing his wife's inherited property, he wasted it and spent his time "wandering about" without occupation. To fund his local meanderings he would spontaneously seize and sell his family's possessions, frequently leaving Harriett and the children penniless and without support. And, during the many instances in which her husband disappeared

¹ *Harriett Smith v. William Smith* (1847), LVA-Bo. Ardent spirits were various distilled liquors including rum, gin, and whiskey. These beverages were seen as particularly dangerous and harmful, as opposed to beer, wine, etc. For more information on antebellum drinking practices, see Bruce Dorsey, *Reforming Men and Women: Gender in the Antebellum City* (Ithaca: Cornell University Press, 2002), 90.

from the region, Harriett was left to satisfy his local debts with very limited means. His insults reached their peak when he returned home from one intoxicated jaunt and threw out all of their furniture, ruining the great majority of it. Perturbed by the constant disturbances within the Smith family, locals gave colorful testimony in support of Harriett's claims. After fifteen years as a neighbor to the Smiths, Merryman Sanford felt qualified in asserting that, "It is generally known that he [William] has been in the habit of using ardent spirits whenever he thinks proper, and that he is apt to take more than does him good." Other deponents contrasted Harriett's "smart industrious" work ethic with her husband's inability to hold gainful employment due to "sprees." The general consensus was that William's intoxicated singing, dancing, and praying provided community-wide amusement, but his general manner proved "very disagreeable." In response to these allegations, William appeared before the court and admitted to drinking to excess on occasion. However, he fervently denied that this habit impaired his ability to conduct business as a proper Virginia patriarch. Not convinced by William's answers, the court found that his behaviors violated Harriett's "natural rights" and granted the divorce.²

In a period marked by the rise of the ideal of the companionate marriage based on love and affection, the Smith case is notable for the degree to which the participants emphasized duty over emotion as the key ingredient of a successful partnership. In a fashion similar to the Smith proceedings, this chapter lies at the intersection of two prominent subjects of antebellum conversation, intemperance and marital cruelty. Even with the development of a reformist rhetoric based upon the hyperbolic drunkard's

² Ibid.

broken home, in the first half of the nineteenth century the meaning of cruelty was contested and the definition of intemperance was uncertain. The divorce laws adopted by the states reflected and embodied this atmosphere of confusion. Out of the three localities examined in this study, Wisconsin proved the most liberal in allowing divorce as a result of male and female intemperance. Texas, in contrast, followed an “excesses” clause that permitted divorce under a variety of behaviors practiced beyond normal measure. And Virginia did not recognize intemperance as a sole cause for divorce. As a result, across the three states, adept husbands and wives pursued separations based on multiple grounds to increase the likelihood of success. This chapter focuses on those cases in which men and women claimed that their spouses were not only intemperate but cruel. Not all instances of intoxication constituted cruelty, and divorce proceedings give us an indication of the dividing line between acceptable and unacceptable imbibing.³

Based upon a survey of case records and personal papers, this chapter argues that antebellum society believed that intemperance constituted marital cruelty if and when it

³ This work does not attempt a statistical analysis of rates of intoxication as the haphazard current condition of the court case source materials will not support such an effort. For information on divorce law, see *Acts Passed at a General Assembly of the Commonwealth of Virginia [Acts of Virginia], 1826, 1840-1841, 1847-1848, 1852-1853*; H. P. N. Gammel, comp., *Laws of Texas, 1822-1897* (Austin, 1898-1902); *Statutes of the Territory of Wisconsin, 1838-1839, 1849*; *Texas Reports*; Joseph A. Ranney, *Trusting Nothing to Providence: A History of Wisconsin's Legal System* (Madison: University of Wisconsin Law School), 220-222; Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986), 58-80; Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999); Glenda Riley, “Legislative Divorce in Virginia, 1803-1850,” *Journal of the Early Republic*, 11 (Spring 1991): 51-67; Mark A. Stamp, “Wisconsin's Marriage and Divorce Laws: A Historical Perspective,” (ML thesis, University of Wisconsin, 1982). For intemperance conversations, see Anya Jabour, *Marriage in the Early Republic: Elizabeth and William Wirt and the Companionate Ideal* (Baltimore: Johns Hopkins University Press, 1998); Elaine Frantz Parsons, *Manhood Lost: Fallen Drunkards and Redeeming Women in the Nineteenth-Century United States* (Baltimore: Johns Hopkins University Press, 2003), 4-11, 68-69; Sharon Salinger, *Taverns and Drinking in Early America* (Baltimore: Johns Hopkins University Press, 2002), 86; Margaret Abruzzo, *Polemical Pain: Slavery, Cruelty, and the Rise of Humanitarianism* (Baltimore: Johns Hopkins University Press, 2011), 238; Dawn Keetley, “From Anger to Jealousy: Explaining Domestic Homicide in Antebellum America,” *Journal of Social History*, 42 (Winter 2008): 273-275. One Virginia resident claimed that the state could not allow drunkenness as a sole cause for divorce because, “It would hold out too strong a temptation to any man to become a drunkard who wanted to get rid of his wife.” See, *Garland Mallory* (1850), Chesterfield Co., LVA-VL.

contributed to a further breakdown of traditional gender roles and diminished household productivity. Labor expectations varied according to myriad factors, but at the most basic level a husband was supposed to generate income to support his family and a wife was generally admonished to maintain an orderly and efficient household. The following pages describe how intemperance was seen as playing a key part in triggering catastrophic role reversals. The alcoholic habits of husbands could result in the loss of their ability to contribute financially to the household, which in turn often forced their wives into the marketplace as wage earners. The equally destructive female inebriate might engage in excessive spending and, as a result, expose her husband to community ridicule as a feminized man who could not regulate household consumption and production practices. Moreover, a comparative approach reveals that intemperate marital cruelty pushed an already taxed frontier labor system to the breaking point. Texas and Wisconsin residents stressed to the courts that intoxicated spouses represented too much of a family liability in environments where even the most minute financial missteps made the difference between survival and death.⁴

The great majority of divorce petitions from this period alleging cruelty and intemperance opened with an overt statement regarding the importance of mate selection. Not simply the product of nostalgia, this introspective exercise spoke to the legal requirements associated with conjugal separations in nineteenth-century America. Divorce was an adversarial procedure and required a plaintiff to shoulder the burden of displaying their own innocence as well as their spouse's guilt. Therefore, an injured spouse needed to convince the court that, at the time of marriage, they were unaware of

⁴ Joan Cashin, *A Family Venture: Men and Women on the Southern Frontier* (New York: Oxford University Press, 1991); Mark M. Carroll, *Homesteads Ungovernable: Families, Sex, Race, and the Law in Frontier Texas, 1823-1860* (Austin: University of Texas Press, 2001).

their future partner's weakness for ardent spirits. Paying homage to the ample literature on the subject of courtship, husbands and wives would describe how their personal situations existed in spaces where guidebooks could have rendered little to no assistance. They might blame their transgressions on immaturity in age, as Elizabeth White did when relating how she was "induced" to marry at the tender age of seventeen. Her implication was that society could not expect an innocent youth to identify the potential for inebriate behavior in a partner. Another frequent refrain connected one poor moral decision with a sequence of others. Eliza Miller, for instance, related how she eloped and evaded the law only to marry a future drunk. By recognizing that a marriage that began with uncontrolled emotions could only end badly, she hoped to secure a modicum of sympathy from the court.⁵

To fully prove their own innocence, a plaintiff often found it necessary to provide a detailed narrative explaining how their spouse transformed from sober to intemperate. Counting out from their marriage date, they would attempt to recall the exact moment when their partner's behavior underwent a change. As described within the record, the period of initial marital tranquility could last anywhere from days to years. Texas residents Augusta and Christian Rhodius made it a single year before he "became

⁵ *Elizabeth White* (1840), Isle of Wight Co., LVA-VL (quote); *Eliza Miller v. Daniel Miller* (1858), LVA-No; Ranney, *Trusting Nothing to Providence*, 222; Basch, *Framing American Divorce*. Numerous historians have examined the widespread existence of antebellum advice pertaining to the selection of marital mates, see Mary Beth Sievens, *Stray Wives: Marital Conflict in Early National New England* (New York: New York University Press), 14; Jabour, *Marriage in the Early Republic*, 139; Carl Degler, *At Odds: Women and the Family in America from the Revolution to the Present* (Oxford: Oxford University Press, 1980), 12; Merrill D. Smith, *Breaking the Bonds: Marital Discord in Pennsylvania, 1730-1830* (New York: New York University Press, 1993), 53; Brenda Stevenson, *Life in Black and White: Family and Community in the Slave South* (New York: Oxford University Press, 1996), 46; Steven M. Stowe, *Intimacy and Power in the Old South: Ritual in the Lives of the Planters* (Baltimore: Johns Hopkins University Press, 1987), 105. Intoxication at the time of marriage was also cited as an excuse for poor matrimonial choices, see *Elizabeth Snodgrass v. Abram Snodgrass* (1853), LVA-Wa; *Elizabeth Cockrill v. Enoch Cockrill* (1865), LVA-F.

dissipated and a confirmed inebriate.” In contrast, Catharine Chadwick’s partner “contracted intemperance” after two decades of marriage. While the word “became” hints at a mysterious transition, the word “contracted” implied a view of intoxication as a disease or illness. Both explanations were viable because, as noted by Sharon Salinger and other historians, no clear definition of what constituted inebriation existed during the antebellum period. By keeping these opening statements fairly brief, spousal litigants were able to move quickly to the body of the complaint where they enumerated specific examples of cruel intemperance.⁶

Emphasizing the reciprocal rights of marriage, wives would appear in court claiming that cruelty occurred if a husband’s drinking habits led to his inability to labor adequately for his family’s support. Of course, as highlighted by Hendrik Hartog in his study of marriage, this obligation of support varied according to a person’s “place in the social order.” Society did not require that husbands keep their wives in luxury beyond the norm. Moreover, antebellum men and women did not always equate alcohol consumption with impaired work performance. Imbibing in moderation was perfectly compatible with the achievement of class-appropriate material comfort. In fact, American laboring classes from the colonial period onward partook of intoxicants as a stimulus for increased productivity. The benefits of this practice, however, were illusory. A temporary rush of

⁶ *Catharine Chadwick v. Jerris Chadwick* (1848), WHS-WL (second quote); *Augusta Rhodius v. Christian Rhodius* (1861), DCTX-ComC (first quote); *Lucinda Hughes* (1846), Marion Co., LVA-VL; Salinger, *Taverns and Drinking in Early America*, 86. While moral tracts asserted the possibility of discovery, the argument that a potential drunk was difficult to identify was amply supported in local newspapers. An 1853 article from the *San Antonio Ledger* stated, “The danger of this vice lies in its almost imperceptible approach.” *San Antonio Ledger*, 27 October 1853. Another significant moment of transformation occurred if a person moved to drinking ardent spirits.

warmth hid a suppressed immune system. A surge of caloric energy masked a liquid lacking any valuable mineral content.⁷

Society generally downplayed these negative side-effects until the early 1820s when the appearance of an alcohol-fueled ailment, delirium tremens, focused new attention on the destructive potential of intoxicants. Individuals suffering with the tremens would manifest a variety of symptoms, including shakes, spasms, paranoia, and anxiety. Adding to the fear factor, a drunken spree of this nature could come on suddenly and last for an undeterminable period of time. Because of its unpredictability, determining the exact cause of delirium tremens presented a challenge to nineteenth-century physicians. However, by the 1850s, they could safely say that “heavy drinker[s]” were the most likely to suffer from the tremens, with the majority of bouts occurring after “a binge, an illness, or a withdrawal from accustomed portions of alcohol.” Historians have even considered the possibility that a rise in the consumption of distilled liquors heading into the nineteenth century helped to create a generation of drinkers particularly susceptible to the tremens. Regardless, by the mid nineteenth century reformers and members of the medical community had harnessed the figure of the ill-drunk and plastered his image and told his story in all categories of popular media. The popular castigation of tremens sufferers led to elevated censure for those men and women accused of this illness in court.⁸

⁷ Hendrik Hartog, *Man and Wife in America: A History* (Cambridge: Harvard University Press, 2000), 156 (quote). For the negative effects of alcohol consumption, see Thomas R. Pegram, *Battling Demon Rum: The Struggle for a Dry America, 1800-1933* (Chicago: Ivan R. Dee, 1998), 9; Ranney, *Trusting Nothing to Providence*, 229; David T. Courtwright, *Violent Land: Single Men and Social Disorder from the Frontier to the Inner City* (Cambridge: Harvard University Press, 1996), 70; Ian R. Tyrrell, *Sobering Up: From Temperance to Prohibition in Antebellum America, 1800-1860* (Westport: Greenwood Press, 1979), 41.

⁸ W. J. Rorabaugh, *The Alcoholic Republic: An American Tradition* (New York: Oxford University Press, 1979), 169 (quote). For information on delirium tremens, see Matthew Warner Osborn, “A Detestable

Divorce records from Virginia, Wisconsin, and Texas reveal the ways in which bouts of delirium tremens resulted in general household and labor disturbances and, as such, were considered to be instances not only of intemperance but also of marital cruelty. One of the most detailed descriptions of this malady in the case files comes from a Wisconsin divorce in the winter of 1853. The husband in question, Fletcher Brooks, had met his wife Elizabeth six years earlier in Pennsylvania. Shortly after marriage, the couple migrated to the Midwest as part of Fletcher's larger goal to make a living by touring and lecturing in the Washingtonian tradition as a reformed inebriate. However, everything did not go smoothly upon their arrival in Wisconsin. In her petition for divorce, Elizabeth recalled how her husband's career plans failed due to his continued drinking and bouts with delirium tremens. Entire neighborhoods would turn out for his lectures only to find him intoxicated and unable to speak. One such patron, a local Waukesha physician, attended various events in which Fletcher was billed as the main attraction. He also testified that he treated Fletcher over ten times for the tremens. According to this doctor's notes, the intoxicated lecturer was never an easy patient. A bloated Fletcher would request "stimulants in large doses," but the doctor would refuse to administer them because, as he told the court, "there was no use in doing any thing" for a drunkard this far gone. Interestingly, his assessment represented a conservative approach for the time, as many doctors would aggressively treat the tremens with opium and its derivatives, thus possibly causing a fatal drop in blood pressure. Fletcher suffered no such fate, and Elizabeth's chief complaint was that her husband's illness led to him missing business appointments and speaking engagements which, in turn, left him unable

Shrine: Alcohol Abuse in Antebellum Philadelphia," *Journal of the Early Republic*, 29 (Spring 2009): 101-132; Parsons, *Manhood Lost*, 34; Tyrrell, *Sobering Up*, 90.

to pay the bills. His irresponsible ways forced her to rely on her father, living in Ohio at that time, for assistance and housing. As such, she felt confident that the court would look favorably upon her desire for a divorce on the basis of marital cruelties and intemperance.⁹

Additional wives mirrored Elizabeth's concern for the ways in which drinking impaired a husband's mental functions and could render him unfit for business and work. It was popularly believed, and these women argued, that alcohol suppressed a man's natural abilities in areas of control and logic. Illness in body and mind led to a withdrawal from roles typically associated with manhood, including household and labor leadership. In Virginia if a husband abdicated his conjugal duties in this manner his actions threatened social stability on the whole. As the argument went, morally and physically ill masters drew attention to the perversions of southern society. Patriarchs of all classes at the very least needed to give the impression of healthy vitality and productivity. Additionally, in the frontier areas of Texas and Wisconsin, any weaknesses in manpower and leadership were felt in an even more critical sense. After all, families in the rural communities of these states required the contributions of every member in order to simply survive. Developing frontier economies historically placed great labor pressures on all settlers. These challenges would naturally multiply in times of economic downturn. For instance, at the middle of the century the rural county of Kenosha, Wisconsin, was suffering economically. It was during this period that a leader in the community, Michael

⁹ *Elizabeth Brooks v. Fletcher Brooks* (1853), WW-WC; Rorabaugh, *Alcoholic Republic*, 170. Ian R. Tyrrell makes a case that public interest in delirium tremens grew after Thomas Sewall, a Washington surgeon, published his autopsy results on expired drunkards in popular media throughout the early 1840s. See, Tyrrell, *Sobering Up*, 90, 159, 174. The Washingtonians were a temperance movement founded in the early republic focusing on proselytizing to the working classes. One of their most common tactics was to engage reformed alcoholics on wide-ranging speaking tours.

Frank, recorded in his diary how the area's farmers had fallen "deeply in debt." Desperate circumstances forced locals to make difficult decisions in defense of their personal financial well-being. As such, Frank recalled how a Kenosha woman pursued a claim for damages against the community's liquor sellers. She was awarded one hundred dollars, the maximum sum from the justice court, after arguing that these businesses sold her husband liquor "by reason of which sale her husband became sick and incapable of rendering her any support." This "great" trial captured the entire region's interest as it held up the possibility of placing a monetary number on the suffering endured by drunkards' wives. The ruling also supported the belief that wives possessed a right to receive the benefits of their husband's labors and to sue for damages if those rights were violated.¹⁰

Even aside from moments of delirium tremens, drunkard husbands developed additional habits directly at odds with regular, gainful employment outside of the home. Few employers were willing to tolerate the emotional and angry mood swings exhibited by inebriates. In addition, punctuality fell by the wayside as sleeping patterns altered in conformation with drinking binges. Wives who came to court and discussed this type of intimate information often appeared openly distressed. Such was the case when a very dismayed sixteen-year-old Sarah Briley complained to the court that her sixty-year-old husband took to drinking everyday and usually slept until noon. Like Sarah, many

¹⁰ Michael Frank Diaries, 1840-1889, 1916, 1945, WHS (all quotes). See also, *Sarah Mathews v. Robert T. Mathews* (1857), Henry Co., LVA-VL; *Mary Louisa Sykes v. Milo Sykes* (1859), WW-WC; *Rhoda Carlisle v. Henry Carlisle* (1859), DCTX-KC; *Anne Shepherd v. Royal Shepherd* (1858), Campbell Co., LVA-VL. For an overview of the economic challenges facing settlers, see Elizabeth Gaspar Brown, "Poor Relief in a Wisconsin County, 1846-1866: Administration and Recipients," *The American Journal of Legal History*, 20 (April 1976): 79-117; Randolph Campbell, *Gone to Texas: A History of the Lone Star State* (New York: Oxford University Press, 2003); Mark Wyman, *The Wisconsin Frontier* (Bloomington: Indiana University Press, 1998).

women overcame their initial trepidation and appeared anyway because these habits impacted a marriage beyond simple annoyance and actually indicated a man's inability to maintain consistent employment. In the very mobile areas of Wisconsin and Texas, job losses connected with drinking combined with other factors to create a mass of unemployed, roaming men with families to support. Responding to the fact that one category of mistreatment spawned others, wives complained that cruelty occurred when a husband purposefully disregarded his spouse's desire for a permanent home and instead uprooted the family on a regular basis. Citing economic and emotional needs, 'homeless' women would blame alcohol for exacerbating already difficult settlement scenarios. The frustration felt by Texas wife Martha Smyth was evident when she told the justices that she was tired of her husband dragging her "from one part of the country to another without any fixed residence for any considerable time in one place." Martha understood that the law bound her to follow her husband, but she felt that forcing her to acquiesce to his alcohol-fueled ramblings constituted cruelty. Because her expectation of marital stability was not met, she questioned whether she still owed her spouse allegiance in all his movements.¹¹

While many wives dealt with husbands who were unfit for employment due to alcohol-induced illness or habits, other women faced intemperate spouses who openly refused to engage in any domestic labors. Gesturing towards the violation of an implicit labor contract within marriage, injured wives claimed their husbands acted cruelly by

¹¹ *Sarah Briley v. John Briley* (1848), MIL-MC; *William Smyth v. Martha Smyth* (1842), ETRC-SAC (all quotes); *Eliza Wade v. Micajah Wade* (1856), DCTX-GuC; Julie Roy Jeffrey, *Frontier Women: "Civilizing" the West? 1840-1880* (New York: Hill and Wang, 1998), 44, 68; Richard N. Current, *The History of Wisconsin: Volume II The Civil War Era, 1848-1873* (Madison: State Historical Society of Wisconsin, 1976), 71. It is my belief that Virginians, obviously, would also make moves in search of gainful employment. However, the safety net of community networks and aid for the poor led to these migrations being less noted in the record.

denying responsibility for maintaining the public areas of a family's domicile. Simply put, if a woman took care of the interior of a home, the private sphere, the man should exert an equal degree of effort on the exterior, the public sphere. Not to be undervalued, a man's home labors could either earn him the respect or ire of the entire community. If a husband chose not to "pursue any occupation" on the home front, then marital discord was sure to follow. To fully recognize the implications of a house or farm falling into disrepair, one must understand the widespread antebellum belief that connections existed between physical and moral imperfections. According to this logic, unsatisfactory outward appearances served as an indicator and warning to others that interior circumstances were not okay. A ramshackle house was not simply a product of poor maintenance but a representation of domestic chaos. According to antebellum reformist tracts, the outside estate of a drunkard would always display the moral failings of its owner. Benjamin Rush, an avid temperance activist, described a drunkard's home as follows: "Behold!...their houses with shattered windows—their barns with leaky roofs, —their gardens overrun with weeds, —their fields with broken fences...." The chaos of the outside estate proved in direct proportion to the inequities within it. For the wives of drunkards, occupying such a home presented numerous challenges. Aside from a loss of basic domestic functionality, the attendant shame could almost cause a woman to withdraw from society. For example, the embarrassment was palpable in a letter composed by a young Virginia woman to a distant friend. In the note she expresses her desire that the other woman come for a visit; however, she warns her potential visitor that the household and the company may disappoint. As a result of her father being a "lover of strong drink," the family house had fallen into a state of general disrepair and was not

even properly furnished. The author explained that she wanted her friend to “not be surprised” at the lodgings or her father, but rather to understand everything in its appropriate context as a case of parental neglect. In a similar fashion to the letter-writer, the wives of drunkards suffered the shame of having their struggles with inebriated partners cruelly displayed for all to see via households in varying states of disrepair. However, community members quite often recognized the source of the chaos and refused to place the entirety of the blame on these women. Instead, it was very common to see damning statements in the records aimed at husbands alongside discussions of the interplay of intoxication and work. Local residents clearly felt an obligation to evaluate a man’s labor potential or lack thereof. After all, the families of inebriates quite often ended up on county aid roles, so it was to everyone’s benefit to support those separations that might allow one spouse to succeed on an individual level.¹²

When a husband pulled out of the labor market, the bulk of the household tasks naturally fell upon the other marital partner, the wife. Although some women could and did flee to relatives for sanctuary, as will be discussed in the following chapter, this

¹² *Sarah Dunford v. William Dunford* (1857), DCTX-ColC; *J. Baxter v. Charles Baxter* (nd), SHRL-JeC (first quote); *The Daily Milwaukee News*, 31 July 1857; Benjamin Rush, *An Inquiry into the Effects of Ardent Spirits on the Body and Mind...* (Brookfield, MA: Merriam & Co., 1814), 12 (second quote); James Miller, *Alcohol and Tobacco: Its Place and Power* (Philadelphia: Lindsay & Blakiston, 1859), ; *Paulina Caspary v. John Caspary* (nd), DCTX-ComC; Letter, Maria Farnum to Elizabeth Fletcher, Fletcher Papers, WMC (third and fourth quotes); *Samuel Hashberger v. Elizabeth Hashberger* (1855), LVC-Roc; *Amanda Hiles v. George Hiles* (1854), LC-MC; *F. A. Blackburn v. James Blackburn* (nd), PLAT-IC; *Elizabeth Palmer v. Thomas Palmer* (1850), MIL-MC. A Virginia woman, Elizabeth Spratt, kept trying to follow her drunkard husband to his place of employment to verify that he was indeed working. However, he would always give her the slip and she could never determine his exact destination. See, *Elizabeth Spratt* (1850), Smyth Co., LVA-VL. See also, Holly Fletcher, *Gender and the American Temperance Movement of the Nineteenth Century* (New York: Routledge, 2008), 14; Brown, “Poor Relief,” 89; E. Anthony Rotundo, “Body and Soul: Changing Ideals of American Middle-Class Manhood, 1770-1920,” *Journal of Social History*, 16 (Summer 1983): 27. After all, as Jane Marie Pederson argues, “Work defined life’s purpose, measured character, and was the essence of one’s identity.” In a period in which individuals felt as if Jeffersonian labor ethics were under attack by an increasingly aggressive market structure, many continued to cling to traditional understandings of work and reward. See, Jane Marie Pederson, *Between Memory and Reality: Family and Community in Rural Wisconsin, 1870-1970* (Madison: University of Wisconsin Press, 1992), 143.

option was not always available. As such, many wives claimed that marital cruelties occurred when a husband's intemperate habits forced his wife to labor to support the household. They argued that they expected, at minimum, a degree of labor partnership in marriage. They also presented the claim that women could sustain serious physical injuries when attempting to perform tasks that were traditionally considered male. The women in question did not frame their cases around protesting the fact that they had to work. Instead, they pointed out that the immoral choices made by husbands led to wives losing any control over their own labors. Wisconsin resident Elizabeth Doyle and other women arrived in court prepared to explain why they refused to live with men who insisted on "prostituting" them for support.¹³

In addition to mutual emotional engagement, the companionate marriage model desired by these women placed an emphasis on equal economic contribution. Regional differences emerged, however, in the execution of these demands. Wives in Virginia were more likely to present their claims on the basis of physical differences between the sexes. Citing the fragile nature of a woman's constitution, they claimed that the forcing of women into men's work could bring disastrous consequences. Sarah Robinson, for example, entered into marriage anticipating that through the "united exertions" of her and her husband they might be able to "sustain themselves in comfort, happiness, and independence." Unfortunately, her plans failed to materialize due to her husband's taste for intoxication and other vices. Forced by circumstance to labor night and day, Sarah's naturally "delicate constitution" was gradually "worn down by excessive fatigue and exposure." She appeared before the court asking to be spared an early grave. Historians

¹³ *Elizabeth Doyle v. John Doyle* (1848), WHS-WL (quote); *Eliza Ann Pierce v. Stephen Pierce* (1848), DCTX-HC.

have described how Virginia women such as Sarah could present portraits of frailty because southern slave society was heavily invested in the appearance of white woman's gentility. Of course, the ideal of the pedestal rarely matched the reality, especially for the lower classes. But injured wives could draw upon ample common knowledge to support a sexual division of labor in marriage. A woman's fragile uterus, for example, could be strained to the point of destruction by heavy lifting. Then, as the argument went, the inappropriate labor would have effectively made a woman unfit to perform the most important work of all, motherhood. Antebellum society considered it marital cruelty if a woman ruined her health by performing tasks to support her family that normally should have been completed by her intemperate and lazy husband.¹⁴

The line separating gendered categories of labor was blurred even further in frontier areas, which led to the development of a work choice argument by suffering wives. New arrivals to both Wisconsin and Texas brought with them a wide variety of understandings regarding the ideal economic responsibilities for married couples. They then adapted these ideas to the challenging living conditions found in both states. This process has been well-documented by historians, such as Mark Carroll, who have asserted that new gender roles emerged out of these processes of adaptation. Women completed tasks typically reserved for men, and occasionally the reverse happened as

¹⁴ *Sarah Robinson v. Samuel Robinson* (1840), LVA-C (all quotes). For a discussion of the southern female body, see Carroll Smith-Rosenberg and Charles Rosenberg, "The Female Animal: Medical and Biological Views of Women and Her Role in Nineteenth-Century America," *Journal of American History*, 60 (Sept., 1973): 334-335; Mary Poovey, "'Scenes of Indelicate Character': The Medical Treatment of Victorian Women," in *The Making of the Modern Body: Sexuality and Society in the Nineteenth Century*, ed. Catherine Gallagher and Thomas Laquer (Berkeley: University of California, 1987), 146; Robert Griswold, "The Evolution of the Doctrine of Mental Cruelty in Victorian American Divorce, 1790-1900," *Journal of Social History*, 20 (Autumn, 1986): 130-131, 135; David G. Pugh, *Sons of Liberty: The Masculine Mind in Nineteenth-Century America* (Westport: Greenwood Press, 1983), 73; Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1995).

well. With these conditions in mind, when did a husband's intoxicated refusal to perform work place enough of a labor burden on a wife to constitute cruelty? The responses of frontier wives show that they rarely attempted to argue for protection based upon the notion of female fragility. Instead, they reserved the right to choose which labors they would complete, and cruelty took place when a husband burdened his wife with a role not of her own choosing.¹⁵

Consider, for example, the marriage of Wisconsin residents Catharine and John Crandall. The couple only lived together for two years before receiving a divorce from the Dane County district court. In Catharine's bill she alleged that John would get intoxicated and violent, even throwing a tin dipper at her head. Frances Wilson, a fifteen year old staying with the Crandalls, described how John broke Catharine's collar bone during a drunken rage. However, Frances's most damning statement was, "I have heard him [John] say that if she [Catharine] done her duty she would support him." This desire, in Frances's assessment, made John not "much of a man." Within two months of the conclusion of the Crandall case an article appeared in the *Daily Milwaukee News* espousing that, "It is the paradise of marriage that man shall work for the woman; that he alone shall support her...." It can be argued that this article and others reflected a backlash against Wisconsin husbands who took flexible gender norms too far and expected an entire role reversal into dependency.¹⁶

¹⁵ Carroll, *Homesteads Ungovernable*, xix, 77, 82. See also, Campbell, *Gone to Texas*, 231-232; Barbara Leslie Epstein, *The Politics of Domesticity: Women, Evangelism, and Temperance in Nineteenth-Century America* (Middletown: Wesleyan University Press, 1981), 21; Wyman, *The Wisconsin Frontier*, 196; Jeffrey, *Frontier Women*, 20.

¹⁶ *Catharine Crandall v. John Crandall* (1859), WHS-DC (first and second quotes); *The Daily Milwaukee News*, 8 July 1859 (third quotes).

This total disregard for duty by husbands had the effect of forcing wives into difficult and often unpleasant labor situations. In many cases the only outside employment available for women involved performing “wifely” tasks such as cooking or washing for single men in the area. These opportunities were particularly available in Wisconsin where mining and logging enterprises created concentrations of single, working men. Wisconsin wives who earned money by taking in washing or cooking for others did not object to the labor itself, but rather to the fact that it took their attention away from the needs of their own homes. Husbands were cruel when they forced their wives to make this choice simply to satisfy their own selfish claims of support. Susan Hull received a divorce based on intemperance and cruelty after she described her routine of “working out by the week in the kitchens of private families,” only to have her earnings seized and spent “in idleness and in liquor” by her husband. Similarly, Ida Schmidmeyer travelled from house to house in her Eau Claire community taking in washing to support her household. And, Mary Moore completed piecework for local stores in order to feed her children and send them to school. Moore’s ten-year-old daughter confirmed her mother’s hard work when she declared, “She takes care of us the best.” Each of these women survived despite having intoxicated albatrosses for husbands. They all came to court seeking relief from cruel spouses and citing their own accomplishments in the face of patriarchal abuses.¹⁷ Divorce papers across all three states also commented on the ways in which a man’s drinking proved particularly troublesome

¹⁷ *Susan Hall v. Friend Hull* (1865), EC-EC (first quote); *Ida Schmidmeyer v. Francis Schmidmeyer* (1861), EC-EC; *Mary Moore v. Peter Moore* (1854), WW-WC (second quote); *Thomas Dowling v. Harriett Dowling* (nd), PLAT-IC; *Louisa Burgess v. Andrew Burgess* (1858), WHS-DC; *Catharine Teas v. Frederick Teas* (1855), EC-EC; Robert C. Nesbit, *Wisconsin: A History* (Madison: University of Wisconsin Press, 1989); Wyman, *Wisconsin Frontier*. Another Wisconsin wife stated, “I was in the habit of knitting sewing and washing for other people to get provisions.” See, *Heatly v. Robert Heatly* (1861), OSH-WC.

if it interfered with a woman's ability to complete basic household chores. This category of domestic labor, while not as visible to the public, was an essential part of a fully functioning household. Suffering under "King Alcohol," one Virginia man gained a reputation in the neighborhood for sending his wife out to in all kinds of weather to mend fences. The general consensus of the community was that he should have completed the fence repairs himself. As a result of her husband's laziness and the rigorous physical demands of spousal-imposed outdoor maintenance, the wife in question was "always unable to do her housework." With no one caring for it, the household gradually fell into disarray and the couple divorced.¹⁸

The use of alcohol by husbands could also cripple a man's other economic responsibility, the proper management of household resources. Antebellum society expected that husbands would serve as the principle stewards of the real and personal property of families. To adequately fulfill this responsibility a man had to take great care in guarding against financial waste and determining what constituted proper or fruitful expenditures. Of course, not all heads of household succeeded in creating stability or even prosperity for their family groups. However, failure alone did not make these men cruel husbands. The wives who appeared in court argued that husbands behaved cruelly when they wasted resources by placing their personal needs before family duty. By spending money on various vices, including alcohol, these men exposed their wives and

¹⁸ *Elizabeth Eley v. Elisha Eley* (1855), LVA-I (all quotes); *Aimmie Seeley v. Lorenzo Seeley* (nd), GB-MC. The question of cruelty also centered upon the degree of one's labors. As a witness in a Virginia case stated, "I suppose her work was rather harder than most in the neighborhood." See, *Sarah Spratt v. James Spratt* (1860), LVA-Pri. A jury in a Texas case concluded, "it was also proven that she [the wife in question] had to perform duties when lame that no other lady could perform." See, *Adeline Nance v. Roderick Nance* (1855), VRHC-JC.

children to the whims of the market system. And, as a result, the spouses of intoxicated husbands often had to watch helplessly as their family's financial stability evaporated.

To point out the difference between a proper patriarch and an inebriated wastrel, wives would recall situations in which their husbands chose to purchase intoxicants instead of provisions for the family. In the majority of households in antebellum America, the partners each procured items for the home, usually sticking to their particular areas of expertise. For example, women might purchase fabric while men might buy farm implements. However, it is clear that this balance began to shift when one person developed a thirst for alcohol. The individual with the habit would demand an increased portion of the purchasing power, and in the case of men, this often meant taking control over all money in the home. Instead of funneling this cache of cash, however meager, into purchases necessary for survival, a drunk would likely spend "every penny" on liquor. In Texas and Wisconsin the catastrophic effects of this practice deepened as men would leave their residences on provision trips only to return home with nothing of use. Wives spared few words when describing how their husbands abandoned them to starvation for the sake of a good time. A Texas woman, married to a blacksmith, told the court that her husband could support the family if he so chose, but instead "money that should have been expended in procuring food...was dissipated in procuring the poison that maddened his brain and transformed him into a demon." To demonstrate this point even more fully, some bills contained estimates as to how much money had been wasted over time. Maintaining a state of perpetual drunkenness or being a "soaker," a person "constantly soaked with liquor," clearly required a great deal of monetary investment. Margaret Zimmerschitte estimated that her soaker husband spent "about

\$3000” over the course of three to four years. And, as a result of his extravagant expenditures and lifestyle, he could not afford to take care of her when she fell ill. Margaret’s bill made it clear how much suffering ensued when a husband jettisoned his family’s only defense against a heartless market-his control and care-in the reckless pursuit of booze. The dilemma of whether to procure provisions or alcohol should not have been a legitimate concern, but it was in the twisted mind of the drunkard.¹⁹

However, it would be a mistake to assert that all inebriated husbands in antebellum America behaved in the exact same way. In fact, the record supports the conclusion that drinking habits developed differently across each of the three states. In Virginia it was far more common for wives to complain about their husbands drinking within the home environment. They would describe how the men would purchase alcohol at a local tavern or store only to return home to indulge. This does not necessarily mean that all Virginians drank at home exclusively, but it does gesture toward the importance of domestic drinking practices. In contrast, the wives of Wisconsin and Texas consistently described the development of a public drinking culture in which saloons held center stage. This is not that surprising when we consider that historians have documented how public drinking houses grew in importance in frontier areas during the 1850s. Although the tavern was initially intended as a drinking site for travelers, many establishments found that they had to attract local customers in order to survive. By becoming the social centers of frontier communities, these businesses secured themselves a place of importance in developing societies. Of course, these establishments were not

¹⁹ *Sarah Ann Heath* (1848), Richmond (Town/City), LVA-VL (first quote); *Martha Howell v. John Howell* (1860), SHRL-JeC (second quote); *Sarah Reed v. Charles Reed* (1855), MIL-MC (third quote); *Margaret Zimmerschitte v. Fred Zimmerschitte* (1848), DCTX-ColC (fourth quote); *Ellen Adkins v. Charles Adkins* (1856), LVA-A; *Dicy Shaw v. James Shaw* (1856), DCTX-AuC.

welcomed by all. It was not uncommon for new arrivals to both states to note with disgust the settler's propensity for alcoholic indulgence. In describing her neighbors, one woman wrote, "one would suppose that old Mother Earth had got drunk and emptied her huge stomach into this goodly land of Wisconsin." Despite this type of protestation, the numbers of saloons in operation in both states continued to rise throughout the antebellum period. As an indicator, the first Madison village census in 1853 revealed 43 saloons in operation, or one for every ninety residents.²⁰

Caught up in this public drinking culture, Wisconsin and Texas husbands would often choose to spend time in saloons instead of at home. As a result, descriptions by wives of men "coming home intoxicated" regularly appear in the records. In fact, it was not uncommon for inebriates, such as William Burch, to establish a pattern of never leaving home without returning intoxicated. The actions of Burch and others existed as perversions of a market ideal in which household heads were supposed to leave the house and return enriched financially as a result of work. Alcohol-related absences led many women to argue that they were bereft of the protection that marriage was supposed to provide. They made the case that leaving a pregnant wife alone until midnight in the wilds of Wisconsin was not acceptable behavior but an act of cruelty. If the absences were work related the situation might have differed, but as it stood they only drained a

²⁰ For information on the rise of public drinking see, Scott C. Martin, *Devil of the Domestic Sphere: Temperance, Gender, and Middle-Class Ideology, 1800-1860* (DeKalb: Northern Illinois University Press, 2008), 107; Pegram, *Battling Demon Rum*, 54; David J. Mollenhoff, *Madison: A History of the Formative Years* (Madison: University of Wisconsin Press, 2003), 49, 67; Tyrrell, *Sobering Up*, 21; Emily Huse Letter, 1847, WHS (quote). In addition, local hotels (not identified as saloons on the census) would include a wide variety of intoxicants on their menus. For example, the menu at Madison's Capital House Hotel included claret, brandy, smooth ale, sherry, and native wine. A young man travelling to Green Bay, Wisconsin, in 1854 wrote a letter to his parents describing the pressures attendant on men to drink. He wrote: "The amount of liquor drunk in the traveling community is absolutely amazing. If you are introduced to a company of gentlemen you must take a drink if you get into conversation." See, Letter, 1854, J.M. Smith to My Dear Parents, Elisha Morrow Correspondence, 1840-1943, GB.

family's precious financial resources. The violent adverse reaction of women to local saloons was also caused by the fear that short absences from home might lengthen into permanent ones. A growing temperance movement in Wisconsin, in particular, served to remind wives that abandonment was an ever present possibility; and saloons posed a serious threat to family stability by contributing to societal pressures injuring a man's connection to his home. This anti-alcohol sentiment fed upon stories, for example, of husbands who stepped out for a drink and eventually were found in California gold rush towns.²¹

Contemporaries described how it was no easy feat to resist temptation in antebellum Wisconsin or Texas. While some communities plotted out peaceful existences, others experienced regular disturbances and lawlessness. As a result, it was not altogether uncommon to witness men and women, in the words of Texan Helen Chapman, "violating all laws, human and divine." The apex of immorality often existed in saloons where adherence to morality was optional. As described by historian Thomas Pegram, frontier drinking establishments emphasized excess with advertisements for cigars and images of female nudes papering the walls. As such, it is not that shocking that concerned wives also expressed their belief that drinking served as a gateway into other dangerous and costly vices. Gambling, usually card or dice playing, and carousing with

²¹ *Milly Ann Newsome v. Etard Newsome* (1859), DCTX-CC (first quote). See also, *Laura Burch v. William Burch* (1842), WHS-DC; *Mary Crowell v. Joseph Crowell* (1859), LVA-Wa; *Susan Merrick v. Alonzo Merrick* (1853), WW-WC; *Nancy McMills v. John McMills* (1857), DCTX-HC; *Charlotte Kellogg v. Alvin Kellogg* (1857), PLAT-GnC; *Caroline Hall v. Ira Hall* (nd), WHS-DC. For information on temperance reform see, Victoria Bynum, *Unruly Women: The Politics of Social & Sexual Control in the Old South* (Chapel Hill: University of North Carolina Press, 1992), 54; Ian R. Tyrrell, "Drink and Temperance in the Antebellum South: An Overview and Interpretation," *Journal of Southern History*, 48 (Nov. 1982): 485-510; Tyrrell, *Sobering Up*; Pegram, *Battling Demon Rum*; Rorabaugh, *Alcoholic Republic*, 16; Epstein, *Politics of Domesticity*, 103, 106; Jeffrey, *Frontier Women*, 166; Martin, *Devil of the Domestic Sphere*. The importance of the tavern as a social place is evident by the fact that many divorce cases were heard in saloons, even those in which the primary issue was alcohol abuse.

lewd women existed as objects of particular concern in the records. To prove cruelty a wife had to demonstrate that her husband's participation in these activities damaged a family's financial stability. Women would do this by linking the vices together to show a pattern of poor choices on the part of the husband. For example, the mother-in-law of Charles Rossiter recalled how he was a regular in Milwaukee-area gambling houses. Even when his wife was home pregnant, Charles was out on the town. On a January evening in 1847 he returned home drunk and "very cross" after a losing night. As it turned out, he had gambled away the couple's rent money. However, he refused to issue any apology, and when questioned by his wife he retorted that "he would do as he dam'd please." In contrast to the lengthy Rossiter petition, other wives might simply list their husband's vices to prove the point of cruel financial mismanagement.²²

In addition to protesting wasteful spending on immoral vices, antebellum wives made the contention that drunkard husbands regularly destroyed and damaged items in the household. Their claims fell on sympathetic ears because it was common knowledge that individuals under the influence of alcohol could prove extremely dangerous to people and possessions. However, sympathy alone would not result in verdicts finding marital cruelty. So, women attempted to show how they suffered inordinately following the

²² Caleb Coker, ed., *The News from Brownsville: Helen Chapman's Letters from the Texas Military Frontier* (Austin: Texas State Historical Association, 1992), 186 (first quote). The Temperance Society of Dryden Village, Wisconsin, described how "peace & good order are never secure" in their community. See, Minutes of Meetings of the Temperance Society of Dryden Village, 1859, Moffat-Hughes Family Papers, River Falls ARC; Pegram, *Battling Demon Rum*, 56; *Cornelia Ann Rossiter v. Charles Rossiter* (1849), MIL-MC (second and third quotes); *Elizabeth Fuellerton v. Joseph Fuellerton* (1860), PLAT-GnC; *Jane Rogers v. William Rogers* (nd), PLAT-IC; *Mary Baylor v. William Baylor* (1852), DCTX-FC. Temperance groups echoed the idea that the moral weakness of the individual created a susceptibility to numerous vices. Early temperance reformer Daniel Drake in *A Discourse on Intemperance* stated that vices, "obey the universal law of association; and hence gaming, knavery, and drunkenness are, sooner or later, found united in the same individual." See, Daniel Drake, *A Discourse on Intemperance: Delivered at Cincinnati, March 1, 1828* (Cincinnati: Looker & Reynolds Printers, 1828), 30. An interesting pattern also emerged in which Texas husbands were more frequently accused of committing serious crimes along with other inequities, see *T. Shannon v. A.J. Shannon* (1855), DCTX-ColC; *Malvina Thompson v. Blake Thompson* (1858), DCTX-WiC.

ruinous drunken sprees of men. To begin with, inebriated men tended to concentrate their destructive potential on items within the home. Clothing, bedding, and personal trinkets were all fair game. A man “cutting up” or in a state of intoxication might even break “windows, tables, crockery.” He could target the stove and kick it over, scattering ashes everywhere. Thomas Dowling of Wisconsin would regularly arrive home intoxicated, strip the table bare, and throw everything in his reach into the fireplace. Despite the fact that Harriett Dowling was well aware of this ruinous pattern she, along with other wives, proved helpless to prevent its reoccurrence. To avoid a fiery death Harriett eventually fled the home.²³

While Thomas’s destructive behaviors bordered on homicidal, other husbands let loose of all inhibitions by vomiting or urinating on items in the home. These men were not simply occasionally ill due to indulgence in spirits, but actually used their bodily fluids as weapons to inflict pain on their wives. Virginian William Waid, for example, took particular pleasure in “making water” on his sleeping wife. As a witness to multiple incidents, Waid’s son testified that his father, although intoxicated, would act deliberately by pulling the sheets off of the sleeping woman and standing over her during the process. If these disgusting actions took place with regularity, a case could be built upon them alone. This was the approach taken by Milwaukee County resident Sarah Roper in her 1847 divorce petition to the Wisconsin Territorial Legislature. Sarah requested a separation on the basis of her husband’s inability to conduct the most basic business due to his constant state of inebriation. Although the majority of the incidents described in the petition took place in New York, the couple’s original residence, the details are still

²³ *Maria Bryerton v. William Bryerton* (1862), WHS-DC (all quotes); *Thomas Dowling v. Harriett Dowling* (nd), PLAT-IC; *Charlotte Cole v. John Cole* (1859), DCTX-HC; *Elizabeth Herman v. Henry Herman* (1858), DCTX-ComC; *Laura Burch v. William Burch* (1842), WHS-DC.

relevant to this work as an example of the damage that bodily fluids could cause. William Roper's alcohol-induced illness was so frequent that numerous members of the household commented on it. Servants of both genders recalled him staggering about the house and vomiting on any and every thing. As a result of this perpetual regurgitation, his breath grew so "offensive" that the servants would actually get "sick at the stomach" upon speaking with him. His stepfather, John Newell, castigated William's actions in court. Newell stated that William would "vomit about the house on the carpet & in the bed & some times attend to the calls of nature, in the house, in so much as to render it almost insupportable to remain in the house, on account of his filthiness." And, finally, Sarah herself recalled how she was forced to sleep on the floor in the parlor or on the couch in order to avoid her husband's "loathsomeness" in the bedroom. However, she wanted the court to note that she did not escape entirely, or abdicate her domestic duties, as she would rise in the early morning and attempt to clean the items her husband had "fouled" the night before. In courts across the three states, Sarah and other wives presented the claim that their husband's alcohol-fueled destructive behaviors should not be tolerated by society. The women had numerous reasons for focusing their bills primarily on the damage done to domestic items. To begin with, these possessions were considered part of a woman's domain and, therefore, wives were the most qualified to assess the extent of the injuries. In addition, when men damaged common household items, they also crippled a woman's ability to perform basic household tasks, laying the groundwork for additional economic problems. And, finally, historians have noted how antebellum women were particularly inclined to assert possessive rights over personal items in the home. In situations of cruelty and intemperance, the effected wives felt an even stronger desire to

protect their financial well-being by approaching the court and placing domestic property beyond the reach of irresponsible spouses.²⁴

The “reckless management” of family finances perpetrated by the husbands in question also opened the door for women to request increased property and earnings protections in the face of demonstrated patriarchal abuses. As discussed throughout this chapter, intoxication often hindered a husband’s ability to participate fully and properly in the market. A man’s potential incompetence placed a widow, in particular, in a difficult position. Yielding to the norms of traditional marriage and despite possible indications of incompetence on the part of their intended partners, widows would generally permit husbands to control their property accumulated prior to marriage. Of course, in numerous cases, male heads of household simply assumed responsibility over all possessions of both partners without any consideration of the opinion of their spouse. Regardless, the divorce records provide evidence of those women who later regretted these arrangements. Widows might appear in court to request a divorce along with a payment for properties squandered. Or, they wanted legal assistance to prevent their spouses from seizing and selling additional holdings acquired pre-marriage. Simply put, the waste of properties due to “imprudence intemperance and mismanagement” was unacceptable. Widows who married intemperate men often benefited from changing laws regarding the control of married women’s property. By the late antebellum period all

²⁴ *Elizabeth Waid v. William Waid* (1862), LVA-Fr; *Sarah Roper* (1847), Milwaukee Co., WHS-WL (all quotes). In her study of divorce notices in early national New England, Mary Beth Sievens finds women claiming possession of “personal items” such as “household furnishings and utensils” in the home. This was partially a product of women bringing these items into marriage. See, Sievens, *Stray Wives*, 58. Men who vomited or urinated in the home were the subject of frequent comparisons to beasts. The beastly drunk was not a new figure having made its debut in reform materials. In addition, the complaint was voiced that actions of this sort were doubly cruel in that they increased the labor load of wives who were compelled to clean up the messes left behind. See, Rotundo, “Body and Soul,” 27; *Mary Jones v. Owen Jones* (1854), PLAT-IC.

three states in this study adhered to constitutional precepts aimed at protecting the property rights of women. In particular, the states safeguarded the possessions that women brought into the marriage by treating them as separate property. When women appeared in court they were essentially, in the words of historian Victoria Bynum, appealing to other men (judges and juries) for assistance in the face of patriarchal abuses. As a result, the vulnerability of the women masked the potential challenges to the male-headed household contained in their complaints. After all, the divorce records sustained the idea that expanded conceptions of marital cruelty and intemperance allowed wives to claim increased rights to the fruits of their own labors.²⁵

The “greater combativeness” of wives especially emerged if inebriate husbands attempted to seize their wages. Wisconsin women, in particular, mounted fervent defenses as to their rights to their individual earnings. Their insistence, perhaps, was born out of a culture in which women frequently worked outside of the home to support their idle spouses. Susan Hull, for example, tried to tell the court how frustrated she felt when her husband, an idle inebriate, took the money she earned by working out in other’s kitchens and spent it on liquor. Another woman, Adelaide Klemo, eventually failed in her attempt to keep a boarding house due to the cruel spending habits of her husband. Thomas Klemo would search out her secreted business profits and would spend the monies on various vices. As a result, Adelaide could not continue to purchase the provisions required for operation. Marital cruelty, in this case, meant taking possession of

²⁵ *Pamelia Hatch v. Sylvania Hatch* (nd), VRHC-JC (quote); *Elizabeth Behrens v. Johann Behrens* (1855), DCTX-GC; *Jane Powell v. James Powell* (1851), LVA-G; *Magdalen Carter v. John Carter* (1853), LVA-Be; Bynum, *Unruly Women*, 77; Epstein, *Politics of Domesticity*, 103. For information on the development of married women’s property laws in the three states, see Ranney, *Trusting Nothing to Providence*; Carroll, *Homesteads Ungovernable*; Salmon, *Women and the Law of Property*; Suzanne Lebsock, *The Free Women of Petersburg: Status and Culture in a Southern Town, 1784-1860* (W. W. Norton & Co., 1984).

the other spouse's property for purposes not beneficial to the couple overall. As such, the women's complaints centered upon the failure of an anticipated labor partnership in marriage. They also argued that in those situations in which wives were forced by circumstances into outside labor, they alone should choose how to utilize the profits. According to this logic, inebriate and idle husbands behaved cruelly when they claimed the privileges of rule afforded to proper patriarchs when they no longer belonged to that group.²⁶

Even if a wife experienced all of the problems discussed above, it was still quite possible for her to lose her case if she did not at least attempt to reform her husband. As the moral vessels in marriage, wives keenly felt the obligation to uplift all members of their households. In situations of intemperance, society expected women to address the issue in-house before requesting outside assistance. If they did not, they were viewed by the law as guilty of cruelty as well. As such, the vast majority of wives who petitioned under cruelty and intemperance made sure to include at least a statement expressing their hope for their husband's "reformation." It was also common for women to assert that their husbands' multiple failed promises of reform constituted cruelty as well. They would describe how they fell into a pattern of reconciling with a repentant spouse only to realize that all claims of rehabilitation were untrue. These attempts at reuniting proved

²⁶ *Susan Hull v. Friend Hull* (1865), EC-EC; *Adelaide Klemo v. Thomas Klemo* (1862), PLAT-GnC; A. J. Hammerton, *Cruelty and Companionship: Conflict in Nineteenth-Century Married Life* (London: Routledge, 1992), 88, 114 (quote). In an exploration of marital conflict in Victorian England, Hammerton found that wives who "became the main breadwinners" evinced "greater combativeness" in marriage as a result. It appears as if Wisconsin laboring children were also likely sites of earnings seizures by inebriated fathers, see *Fanny Bastwick v. John Bastwick* (1850), WW-RC; *Laura Burch v. William Burch* (1842), WHS-DC.

particularly damaging if the inebriate used them as opportunities to seize additional monies and property.²⁷

When we think of intoxication and marital conflict today, the image that instantly springs to mind is that of the battered wife cowering under the hand of the out-of-control inebriate husband. Physical violence, rightfully, dominates our understanding of the relationship between problem marriages and addiction. However, this has not always been the case. As the chapter argues, in the antebellum period, the wives of inebriates pursued divorces for intemperance and cruelty based on arenas of conflict that appear mundane on the surface. They described how intemperate husbands fostered distorted gender roles by failing to satisfy proper labor expectations. The cruel effects of such shifts in duty particularly affected the frontier wives of Wisconsin and Texas who labored under already challenging conditions. As this chapter has shown, through their attacks on growing tavern culture and their emphasis on manly bodily control, these antebellum women revealed the extent to which they expected marriages built upon mutually beneficial labor partnerships. While the rhetoric of companionate marriage provided additional protections to wives, this utilitarian view of relationships reflected recognition of survival needs in the face of changing market conditions.²⁸

²⁷ Wisconsin and Texas wives appeared to place less emphasis on reform as their descriptions of taking action contained fewer details than Virginia bills. This also was a reflection of a more conservative Virginia legal divorce tradition. In addition, discussions of reform were the single moments in which the relationship between religion, intemperance, and reform, was addressed. See, Scott Stephan, *Redeeming the Southern Family: Evangelical Women and Domestic Devotion in the Antebellum South* (Athens: University of Georgia Press, 2008); *Rebecca Hughes v. Torrence Hughes* (1840), LVA-C; *Mary Yearout v. Charles Yearout* (1857), LVA-Fl; *Cynthia Brown v. Johnathan Brown* (1863), DCTX-HC; *Dorothea Neeb v. Ludwig Neeb* (1861), DCTX-ComC; *Magdalene Theis v. Frederick Theis* (1853), WHS-DC; Jabour, *Marriage in the Early Republic*, 139.

²⁸ This is not to say that brutal and violent incidents did not appear in the records when they, in fact, did. However, the wives in question presented these incidents most frequently as evidence in connection with a larger point about domestic labor disturbances.

As the drinking patterns of men faced increasing scrutiny, the habits of the female inebriate remained cloaked in obscurity. In particular, historians have noted how the intoxicated woman disappeared from the majority of reformist writings after the 1830s. The author of the early-nineteenth-century moral tract *The Drunkard's Looking Glass*, for instance, devoted the entire text to the problems caused by intoxicated men. After all, chronicling the accounts of the moral failings of woman drunkards failed to accord with a growing emphasis on woman's moral supremacy. Mirroring the antebellum silences, only a small handful of historians have discussed female drinking at any length. The great majority of these treatments have taken place within examinations of reformist movements. As a result, their source materials have not allowed for an analysis of the relationship between alcohol and women at the individual level. This chapter addresses this gap in the historiography by exploring antebellum perceptions of the cruel female drunk.²⁹

Luckily for historians, divorce records from the period provide details that testify to the fact that a small percentage of women continued to imbibe and communities, as a whole, talked about the actions of these deviants. Although this study does not undertake a statistical analysis of alcohol patterns, it is clear that women were accused of drinking far less frequently than their male counterparts. When female drinking was addressed, the comments made within divorce proceedings centered upon the ways in which

²⁹ M. L. Weems, *The Drunkard's Looking Glass, Reflecting A Faithful Likeness of the Drunkard...* (1818); Scott C. Martin, "Violence, Gender, and Intemperance in Early National Connecticut," *Journal of Social History*, 34 (Winter, 2000): 318-319; Marian Sandmaier, *The Invisible Alcoholics: Women and Alcohol Abuse in America* (St. Louis: McGraw-Hill Book Company, 1980), xv; Martin, *Devil of the Domestic Sphere*, 11. Scott Martin is an exception to the above statement in that, within his work on antebellum temperance ideology, he devotes an entire chapter to the female drunk. Admitting that intoxication existed in the female community was difficult because it hinted at the potential for immorality within women because, as Julie Roy Jeffery states, "The roots of drunkenness, it was supposed, lay in the moral weakness of the individual drinker." Jeffery, *Frontier Women*, 222. For a reference to historically low drinking patterns for women, see Tyrrell, *Sobering Up*, 189n78; Rorabaugh, *Alcoholic Republic*, 11-12.

intoxication prevented a wife from fulfilling her labor responsibilities within the home environment. The words of the plaintiffs, defendants, and deponents pointed to the importance of women's productivity, especially in frontier settings. As such, this study finds that a woman inebriate was deemed cruel when her failure to live up to role expectations, particularly in labor, resulted in family suffering. A husband's petition, therefore, focused attention on his wife's drinking patterns as well as the effects of her actions. Men pursuing divorces in this period needed to establish a solid link between intemperance and cruelty because, out of the three states studied, only Wisconsin recognized female intemperance as a cause for separation.³⁰

To receive a divorce it was necessary for an aggrieved husband to demonstrate that his wife's imbibing was an established habit and not the product of an occasional lapse in judgment. To do this he could point to the frequency of drinking, the type of alcohol consumed, and troubling physical and mental behaviors. Although there was no set definition for what constituted drunkenness in women, the failure of basic motor skills was a chief indicator. With wives often attempting to hide their addictions from their husbands, a practice discussed later in this chapter, third party witnesses frequently provided the most detailed accounts of a woman's habit. Outsiders could go to great lengths to observe particular behaviors in order to verify their suspicions regarding a particular woman. Fueled by curiosity and community policing motives, Philip Devolt of Wisconsin appeared in court and testified against a fellow boarder, a Mrs. Winterminte. He claimed that Mrs. Winterminte lived in a state of perpetual inebriation and therefore

³⁰ Because of the smaller case numbers it is difficult to identify patterns regional patterns accurately. For this reason the comparative comments will be kept to a minimum for this section of this chapter. See, Basch, *Framing American Divorce; Acts Passed at a General Assembly of the Commonwealth of Virginia [Acts of Virginia]*, 1826, 1840-1841, 1847-1848, 1852-1853; H. P. N. Gammel, comp., *Laws of Texas, 1822-1897* (Austin, 1898-1902); *Statutes of the Territory of Wisconsin, 1838-1839, 1849; Texas Reports.*

Mr. Winterminte was justified in seeking a legal separation. Devolt related to the court how he had been meticulous in gathering evidence regarding Mrs. Winterminte's behavior. First, he carefully listened to local rumors stating that she was in the habit of using liquor. Second, he engaged her in conversation and found her to be so intoxicated "that she could not talk distinctly." As Devolt's testimony illustrates, the antebellum divorce court was one arena in which discussion of a woman's body was not only sanctioned but encouraged and witnesses seemed to relish the opportunity. One man even described how he secretly followed a local married woman home in order to observe her walking abilities and to verify his suspicions regarding her conduct. These men and women related tales in which, as historian David Pugh states, "The female body was viewed as a limited system with a limited supply of energy." Spending nights out drinking or indulging in alcohol at all would deplete a woman's reserve of strength by fostering excitability. Following this line of reasoning, a wife would then approach her home life not only with an irritable temper but with an inability to complete the most basic of tasks.³¹

A chief complaint made in the record was that wives would leave their families for extended periods of time on drinking binges and/or would be uninterested in working while at home. Husbands across all three states expressed clear expectations that their wives at least participate in the preparation of meals and maintain a clean and orderly house in accordance with the family's level in society. Patrick Murphy, a Wisconsin

³¹*Sandford Winterminte v. Esther Winterminte*, (1853), WW-WC (first quote); *Elizabeth Jackson v. John F. Jackson*, (1848), LVA-F; Salinger, *Taverns and Drinking in Early America*, 86; Parsons, *Manhood Lost*, 68-69; Charlene M. Boyer Lewis, *Ladies and Gentlemen on Display: Planter Society at the Virginia Springs, 1790-1860* (Charlottesville: University Press of Virginia, 2001), 113; Pugh, *Sons of Liberty*, 73 (second quote); Poovey, "'Scenes of Indelicate Character,'" 146; Smith-Rosenberg, "The Female Animal," 334; Diane Price Herndl, *Invalid Women: Figuring Feminine Illness in American Fiction and Culture, 1840-1940* (Chapel Hill: University of North Carolina Press, 1993).

husband, was confident that his wife was “neglecting her household duties” by drinking liquor to excess and, as a result, being unable to serve his supper or breakfast on time. He would argue with her frequently on this account, but made little headway. In fact, he alleged that his wife grew violent when he questioned her behavior. During one confrontation, she took up an axe and threatened to “split his brains out” if he did not turn over three dollars for her to purchase liquor. At another time she threw a bottle at the back of his head, knocking him down and rendering him senseless for an undetermined number of hours. When he awoke he discovered that his face was injured from the fall, making it impossible for him to labor for nearly two months. He claimed to the court that, not only did his wife fail to perform her own duties, she prevented him from completing his as well. Simply put, she was a liability and not an asset. This belief accords with a comment made by numerous husbands that a wife who neglected her household duties was less of a woman as a result. Her husband, therefore, owed her little to no protection or care.³²

Community members and litigants reserved their most vehement criticisms for women who performed badly as mothers due to their attachment to alcohol. The late antebellum period still held to many of the ideals of republican motherhood. According to these precepts, mothers were to set proper examples for their offspring. They were to treat their children with the greatest of care as society considered motherhood the most important office a woman could hold. Therefore, women who perpetrated maternal

³² *Patrick Murphy v. Sarah Murphy*, (1856), WHS-DC (all quotes); *G. W. Tolley v. Elizabeth Tolley* (1855), LVA-Roc; *John Hooper v. Lucinda Hooper*, (1848), WHS-WL. As documented by historian John Mack Faragher, only a few folk songs from this period praised the hardworking woman while many lamented the lazy wife. One proclaimed, “But since my wife got married, Quite worthless she’s become. An’ all that I can say of her She will not stay at home.” See, John Mack Faragher, *Women and Men on the Overland Trail* (New Haven: Yale University Press, 1979), 63.

abuses were castigated not only for committing injury against a child but also society as a whole.³³ Consider, for example, the case of Louise Schaeffner. Louise's husband Edward filed for divorce, after over a decade of marriage, claiming that his wife had developed an affinity for liquor that had left her incapable of "discharging her duties." He could tolerate her abusive language and personal violence, but he drew the line when she began to corrupt their thirteen-year-old son. She would force the child to consume whiskey and, as a result, permanently compromised the boy's health. The testimony of the local tavern keeper further tarnished Louise's maternal credibility. He claimed that she came in two to four times a week and "drank every kind of stuff" available. Charles, the son in question, also provided an accounting of maternal neglect. He described how his mother kept her whiskey underneath the bed. She would sometimes start drinking in the morning and not rise up all day. He also recalled how his mother would give him whiskey "very often" and as a reward when he went to fetch some for her.³⁴

The conversation and controversy surrounding Louise's maternal skills represented a textbook example of the criticisms leveled against mothers who partook of alcohol to excess. The concern was that these women set bad examples as they imbibed intoxicants and cruelly encouraged addiction within their households. By forcing their children to drink, they permanently damaged their offspring's health and future possibilities. Family members in a handful of cases even expressed a fear that a woman

³³ Stephan, *Redeeming the Southern Family*, 135; Martin, *Devil of the Domestic Sphere*, 22; Sally G. McMillen, *Motherhood in Old South: Pregnancy, Childbirth, and Infant Rearing* (Baton Rouge: Louisiana State University Press, 1990).

³⁴ *Edward Schaeffner v. Louise Schaeffner* (1856), MIL-MC (all quotes). Charles' testimony was not unusual as it was quite common for children of all ages to provide statements to the court regarding the practices of their parents.

might kill her infant via the misapplication of rum for teething or other ailments.³⁵ These concerned parties spoke on the belief that drinking suppressed a woman's natural maternal sensibilities, thus making all of these horrors possible if not likely. This cruelty on a woman's part then forced her husband to shoulder the heavy burden of childcare. An unprepared father usually appeared in a favorable light when compared with a potentially dangerous mother. The neighbors of one conflict-ridden Virginia couple echoed this sentiment. The Higgs family watched as Martin and Elizabeth Fogle grew apart over time. Elizabeth began staying out nights, interacting with bad sorts of people, and openly drinking whatever she was offered. When Martin filed for divorce, the Higgs stepped forward to testify. According to their observations, Elizabeth could no longer act as a proper guardian for her young child because she "gets drunk and mistreats it she dont dress it well nor keep it clean." Generally, they argued, the woman can do better for a child "but in this case...the man can do better." Elizabeth's maternal failures paved the way for additional accusations that eventually led to her being divorced and losing custody of her sole child. For our purposes the Higgs case was illustrative of how a man could connect a woman's shortcomings in areas of maternal labor with alcohol abuse and thereby prove marital cruelty.³⁶

In addition to the womanly duties of household upkeep and childcare, wives often acted as the chief purchasers of goods consumed within the home. This responsibility involved determining which items in what amounts a household needed to function. On a

³⁵ Some women in the case records even threatened to kill their offspring while under the influence of alcohol. One Texas wife "repeatedly threatened to drown herself & them." See, *James Latimer v. Latimer* (1855), VRHC-JC.

³⁶ *Martin Fogle v. Elizabeth Fogle* (1856), LVA-Roc (all quotes). If a husband felt unequal to the task of raising children he would perhaps try to remarry quickly or request the assistance of female relatives. Through these actions he replaced one female laborer with another.

less utilitarian front, women also acquired those non-essential items that transformed a house into a home. Because of their purchasing power, a woman's decisions could greatly impact a family's finances for good or ill. In the case record, many of the criticisms leveled against wives focused on their tendency to excess. Antebellum society anticipated a certain degree of 'womanly' impulse spending, but this consumerism crossed into cruelty when alcohol use impaired a woman's ability to make reasonably sound purchasing decisions. Husbands and witnesses argued that a parallel existed in which a woman who could not control her drinking was also more prone to engage in ruinous financial practices. "Extravagant" was the typical descriptor used for such a woman. She lived her life in an immoderate and excessive fashion with no attempt at impulse control.³⁷

A cruel extravagant woman might use all of her family's valuable resources to purchase selfish and wasteful items, such as liquor and tobacco. Robert Ingraham's wife, for instance, gave little thought to financial stability. Shortly after their marriage, Robert discovered his wife's hopeless addiction to intemperance. She would spend any and all monies "in order to procure the means of intoxication." And, when these funds dried up and she grew desperate, "she would sell whatever goods...she could lay her hands on." As a result, the majority of his personal items went missing "without his [prior] knowledge or consent." Robert filed for divorce because his wife made no scruples about ill using him. The choice of the phrase "ill usage" reveals the degree to which his wife's actions injured his masculinity and turned him into someone who felt used, as opposed to

³⁷ *Mary Hewitt v. James Hewitt* (nd), DCTX-GuC; Jeffrey, *Frontier Women*, 14. Women in this period were supposed to be disinterested in materialistic goals, thus making them both perfect and ill-suited for market participation. As such, society admonished women to aim all of their purchasing activities at creating a tranquil home free of financial conflict.

exhibiting mastery. After all, “ill usage” comments usually appeared in tandem with complaints relating to a man’s treatment of a woman.³⁸

Extravagant cruelty could also occur if alcohol removed all of a woman’s inhibitions and led to her purchasing items beyond her station in life. In these scenarios, women who enjoyed lenient spending habits could transform into real dangers to the household upon the introduction of intoxicants. A handful of men in the records blamed themselves for allowing inordinate luxury to initially enter their relationships as part of the courtship process. However, according to these men, they expected their wives to rein in spending as the relationship progressed. They argued that cruel women not only ignored the duty of frugality but elevated expenditures with alcohol-fueled purchases. In a typical petition of this sort, one man described how he spoiled his intended bride with a wide variety of items before their marriage with the expectation that she would make careful financial choices after their nuptials. He asked the court to imagine his surprise when he discovered that his new bride intended to liquidate his entire estate to fund her growing liquor habit. Unable to cope with her corruption of duty, he pursued a separation. Virginia husbands, in particular, complained about the ways in which existing systems of credit opened the door for abuse by opportunistic, alcoholic wives. The Virginian Washington Chiles, for example, downplayed his own complicity in his wife’s cruelties. He related to the court how a brief solo trip to the West spelled his financial ruin. Despite being well acquainted with the fact that his wife suffered from “disgusting excess” in drink and money, Chiles left her in their marital home with access to unlimited

³⁸ *Robert Ingraham* (1842), Harris Co., TSLAC-TL (all quotes); *Mary Chiles v. Washington Chiles* (1860), LVA-A; *Mary Hewitt v. James Hewitt* (nd), DCTX-GuC. Alcohol exacerbated differences in spending habits that were already present in most marriages. As historian Mary Beth Sievens has noted in her study of marital conflict, “What wives believed were necessary purchases husbands often labeled unreasonable and unjustifiable.” Sievens, *Stray Wives*, 37.

credit under his name. When he returned, “he heard from all quarters of the continued extravagance of his wife.” He later learned that she had plunged him deep into debt. Even with the widespread existence of debt during this period, to be a debtor was still a blemish upon one’s character. Husbands spoke with one voice when they proclaimed that only a cruel wife would be complacent in shackling them to debt. In addition, many of the spouses in Texas and Wisconsin emphasized to the court how they had migrated to these locales out of a hope for financial prosperity. Under these circumstances a wife’s capricious spending proved even more harmful as it could render an entire migration meaningless.³⁹

As they brought their financial problems to court, husbands often faced a series of difficult questions as to why they did not interfere earlier, take action to prevent a wife’s drinking, and thereby ensure their household’s stability. Within their answers the men in question presented the image of marriages characterized by secrecy instead of companionate transparency. They claimed that they possessed no prior knowledge of their wife’s weakness for drink until it developed into a problematic habit. To make this point plausible and to sustain their reputation as patriarchs, they described various methods by which a woman might keep her affinity for alcohol a secret. One Wisconsin man recalled how his wife would obtain liquor secretly while he worked away from the house as a blacksmith. The art of deception seemed particularly well-suited to

³⁹ *Mary Chiles v. Washington Chiles* (1860), LVA-A (all quotes); *William Jones v. Caroline Jones* (1848), DCTX-ComC; *Elizabeth Jackson v. John F. Jackson* (1846), LVA-F; Kathleen Neils Conzen, *Immigrant Milwaukee, 1836-1860* (Cambridge: Harvard University Press, 1976), 33; David Silkenat, *Moments of Despair: Suicide, Despair, & Debt in Civil War Era North Carolina* (Chapel Hill: University of North Carolina Press, 2011); Cashin, *Family Venture*, 18. A witness in the Washington Chiles case agreed that Mary Chiles was “very extravagant and made use of more than she need to have done.” It is important to note that in frontier locations a wife’s irresponsible spending was often linked to monetarily immoral actions such as alcohol-fueled gambling binges.

housewives as husbands traced how their partners used a woman's intimate knowledge of the household to hide items in places that others overlooked. Concealing alcohol from detection might simply involve emptying a bottle of one substance and refilling it with intoxicants. Unfortunately, this practice also increased the risk of household poisonings. This pattern of supposedly private, home-based indulgence in alcohol on the part of women is in accordance with historian Thomas Pegram's description of late 1850s saloon behavior. When women would patronize these public establishments they would avoid the social "male drinking culture," preferring instead to approach at the back door for beverages to go. A portable order in this case generally translated to mean a bottle of booze. All of these efforts at concealment revealed their hope that, by drinking within the boundaries of the home, they would minimize damage to their reputation. However, as Laura Edwards and others have shown, total privacy was a difficult thing to achieve, even in antebellum America. Local reports and rumors held immense credibility and usually focused on one-time private matters made public. It was quite often only a matter of time before a woman's imbibing entered the realm of public knowledge.⁴⁰

As such, husbands who sought divorces might convincingly claim that they first learned of the habits of their wives through the intervention of neighbors and community members. According to these narratives, a wife could successfully hide her addiction for a significant period of time before her spouse grew concerned. These suspicions, often

⁴⁰ Salinger, *Taverns and Drinking*, 223; Pegram, *Battling Demon Rum*, 11, 54 (quote), 56; Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009), 8, 118; *Lucinda Campbell v. Campbell* (nd), WHS-WL. Although the case records shed very little light on this practice, historians have described how antebellum women might hide addictions that stemmed from an initial medical treatment, see Martin S. Pernick, *A Calculus of Suffering: Pain, Professionalism, and Anesthesia in Nineteenth-Century America* (New York: Columbia University Press, 1985), 65; Rorabaugh, *Alcoholic Republic*, 11-12.

focusing on a woman's diminished labor productivity, would then be confirmed in the form of local reports. Armed with what they considered reliable community knowledge, husbands would then feel qualified to act. For example, Jonathan and Margaret Bridges married in New Jersey and then moved to Wisconsin by the late 1850s. Jonathan believed that his family's new situation was ideal until his neighbors alerted him to a potential problem. They told Jonathan that Margaret was fond of drinking excessively in his absence. To test this information, Jonathan began coming home unexpectedly during the day and discovered, to his horror, that the community reports were correct. He frequently found his wife "so badly intoxicated that she scarcely knew anything." Whereas he had previously believed that she was just a poor housekeeper, he now knew that her weakness for intoxicants was what made her unable to complete the most basic of household tasks. After a brief period of trying to persuade Margaret to cease in her negative behaviors, Jonathan gave up and approached the court requesting a divorce on the grounds of drunkenness, cruelty, and neglect.⁴¹

Jonathan confronted a common dilemma faced by antebellum men in troubled marriages when he contemplated whether or not to attempt to reform his marital partner. As described by historian Scott Martin, the burden of reforming fallen drunkards usually fell to women, so men in this position ventured into uncharted territory. It was, therefore, not that surprising that husbands felt unsure as to how to proceed. As they described their actions to the court they would stress how they were not experts in moral arenas, but exerted great efforts to save their wives nonetheless. One Wisconsin man recalled how he destroyed gallons of liquor hidden by his wife, ordered the children and servants not to

⁴¹ *Jonathan Bridges v. Margaret Bridges* (nd), WHS-DC (quote); *Ellender Arrington v. Arthur Arrington* (1853), LVA-Fr.

fetch anymore for her, and did “everything in his power to reclaim” her from intemperance. It all failed, however, and she continued stockpiling alcohol in secret. Filing for divorce was his final attempt to reach her. Other men would adopt less physical measures and instead try to counsel their wives back to temperance. As heads of household they were accustomed to having their voices heard and acknowledged so they could only respond with shock when their wives “rejected & disregarded” their counsel. The divorce records provide numerous examples of how reform could prove a rocky road for husbands. But, it was a path that men had to take in order to meet the minimum qualifications for a divorce.⁴²

We find, therefore, that a handful of men attempted to implement a policy of containment when faced with inebriated wives who behaved cruelly. Containing a wife was a process by which husbands would isolate their partners out of a desire to minimize the damage caused by their drinking. The records most frequently mention men locking their spouses in particular rooms. If questions arose regarding this strategy, husbands proved ready with answers. They might, for example, comment that this practice kept a wife’s drunken sprees from disturbing the neighbors. In the words of a Wisconsin husband, shutting up his wife in a room until “she should become sober & quiet,” was not an ideal solution, but it did address her excessive noise level. Although the racket caused by a drunkard might appear minimal in retrospect, antebellum men and women provided evidence as to how such disturbances could even compromise a family’s living arrangements. They could get thrown out of a house of boarders. In these situations the wife’s intoxicated actions proved costly as the family now had to pay a premium for

⁴² *Peter Yates v. Mary A. Yates* (1856), MIL-MC (first quote); *William Jones v. Caroline Jones* (1847), DCTX-GuC (second quote); Martin, *Devil of the Domestic Sphere*, 50-53.

lodging, especially in a small community. In addition, a husband might attempt to contain his wife if she had tried on prior occasions to disrupt or destroy his potential to earn a living. Numerous witnesses testified to the fact that having a drunken wife appear at one's workplace could easily get a man fired. In general, a woman's movements outside of the home could already prove problematic, but a wife who refused to recognize any boundaries was particularly threatening to family economic stability.⁴³

While not as widespread a problem as male alcoholism, the female drunk still served as the centerpiece of many heated divorce cases. Within these proceedings, community members and aggrieved spouses expressed their concerns about how a woman's affinity for alcohol might pose a threat to her family's financial stability and thereby constitute cruelty. In addition, female drinking proved problematic because it made plain the "artificiality of domesticity." It forced society to come to terms with the fact that not all women were capable of proper behavior. When women imbibed they perverted gender roles by exercising what was seen as a masculine prerogative. And they behaved cruelly by no longer occupying a submissive marital stance characterized by continual devotion to household enterprise. A bodily rebellion of this nature was troubling even if it was not intentional. As such, this chapter has shown that the conversations surrounding cruel and inebriate wives revealed society's ambivalence regarding women's changing economic roles. The destructive actions of intoxicated

⁴³ *Ann McGivern v. John McGivern* (1860), PLAT-LC; *Robert Wilkins v. Elizabeth Wilkins* (1854), LVA-Ly; *Kramer v. Kramer* (1860), SP-MC (quote); *William Fahey v. Margaret Fahey* (1855), MIL-MC. Wisconsin wives appeared more likely to disturb a husband at his place of work. They also faced more frequent complaints regarding noise level.

wives demonstrated the degree to which husbands felt marked discomfort with their reliance upon their wives' prowess in areas of production and consumption.⁴⁴

Paying close attention to gender and region, this chapter has chronicled the attempts by antebellum men and women to give shape to the amorphous social ills of intemperance and marital cruelty. It has argued that the performance of labor responsibilities served as the primary determining factor as to whether or not a spouse's intoxication shaded into cruelty. The inebriate husband could pose a threat to family stability in numerous ways. He might refuse to engage in any category of paid work, thus placing the burden of breadwinning on his spouse. Or, he could abdicate all responsibility for household upkeep, thereby exposing his marital partner to community censure and ridicule. The intoxicated wife, while appearing less frequently in the records, could prove equally dangerous to a family's survival. She might ignore her domestic duties, including those of a maternal nature, thus forcing her husband to engage in tasks typically labeled feminine. Or, she could abuse her consumer prerogative by spending excessively, thereby indebting the household. Regardless of the gender of the person in question, frontier communities such as Wisconsin and Texas appeared to suffer inordinately from the intoxicated cruelties of residents. As witnesses to developing economies, men and women complained to the courts that struggling families paid the cost for thriving drinking cultures. An examination of intemperance and marital cruelty allows for an extended engagement with the ways in which understandings of marriage and the body intersected to redefine the nature of mutual spousal obligation.

⁴⁴ Martin, *Devil of the Domestic Sphere*, 11 (quote); Degler, *At Odds*, 170.

CHAPTER FIVE

MARITAL INTERVENTIONS: COMMUNITY RESPONSES TO PERCEIVED CRUELTY

The Grinnin's small Wisconsin home could not contain their domestic troubles. Rumors and reports about the conflicted couple trickled out into the community at a consistent pace from the date of their marriage in June 1843 until the veritable floodgates of scandal opened four years later when Mary Grinnin filed for divorce. She pursued an intriguing strategy in the courtroom by presenting her case with almost none of the rhetorical flourishes that were common during this period. In the bill, Michael Grinnin, Mary's husband, comes across as an overbearing drunk who enjoyed tormenting his wife by burning her clothes and threatening her life at regular intervals. Further reading of the court documents reveals that detailed testimonies provided by neighbors and relatives of the couple served to corroborate Mary's general statements. Hannah Dooley, Mary's sister, who lived with the couple for "a while," described how Michael would "drive her [Mary] about as he would a dog." From Hannah's statement, we are presented with the image of one sister watching the other one being abused without intervening or offering immediate assistance. It appears as if Hannah hoped that her very presence would lessen the degree of the conflict, and she felt that she could best help her sister by making a mental record of these supposedly private marital troubles.¹

In an unexpected twist in the case record, it was a nearby neighbor who served as Mary's primary confidante and protector. Catharine Grogan, a local woman, tried to stay out of the Grinnin's marital troubles but was drawn into the fray by Mary's repeated

¹ *Mary Grinnin v. Michael Grinnin* (1847), PLAT-GC.

requests for assistance. After only a month of marriage, Mary arrived at Catharine's house ostensibly on a social visit. However, when her neighbor managed to stay all day and began to relate stories of spousal abuse and dissipation, Catharine realized that Mary's appearance at her doorstep was not mere happenstance. As night drew near, Catharine tried to convince her guest to return home only to have the troubled woman refuse to leave until Catharine agreed to serve as her escort. When they arrived at the Grinnin household, Catharine stayed a while and witnessed as Michael arrived home and "immediately commenced abusing the said Mary," including attempting to pour scalding water on her from a coffee pot. He "would have succeeded" had Catharine not, with all her "energy, interfered and prevented him." When she believed that everyone had calmed down, she finally returned home, only to be followed shortly by Mary, who had been thrown out of the house. Mary would continue to seek refuge with her neighbor-protector for years. For her part, Catharine grew increasingly aggressive in protecting the abused woman. In one instance when Michael attempted to hit his wife with a chair, Catharine "by force beat him off with a stick of wood." As such, when she learned of the impending divorce, Catharine could feel justified in breathing a veritable sigh of relief that her household would no longer be disrupted by the Grinnins' troubles.²

This chapter explores how third parties, such as Catharine, in communities and households across antebellum Virginia, Texas, and Wisconsin, reacted and responded when faced with possible situations of marital cruelty. Divorce records from this period again and again reveal outsiders being forced to make a series of moral choices when confronted with marital discord. As such, if we turn again to the Grinnin divorce case, we

² Ibid.

can ascertain a sequence of the choices made by third-party witnesses. Hannah determined whether or not to intervene after witnessing Michael abusing her sister. After listening to Mary's accusations, Catharine considered if she should let Mary stay the night on that initial visit or send her home. Her decision to mix activism with restraint would set the tone for her approach to similar moral dilemmas. In particular, she would later choose to meet Michael's use of violence with her own in order to protect Mary, who she perceived as a victim. This chapter explores how the involvement of third parties in situations of marital discord was determined by their understandings of proper domestic relations as well as their beliefs in domestic privacy. To begin with, these men and women assessed whether or not they thought that cruelties were actually occurring. Then, their perspective on public/private divides shaped whether or not they took any actions and in what manner they responded.³

Social responses to scenarios of domestic violence occurred in differing ways across the three states examined within this study. In Virginia, well-entrenched community networks of report and rumor moved household conflicts into the realm of public discussion and commentary. Armed with this information, community members intervened in marriages that disrupted the peace, exercising care to frame their actions in ways that would not lead to retaliation on the part of a violent spouse. Their hesitance to resort to physical confrontation suggests that southern society condoned violence only against certain bodies, particularly slaves, and made concerted efforts to categorize the white household as a space free from cruelty against whites. This finding is significant in

³ My approach in this chapter is inspired by Melton McLaurin's analysis of a riveting trial of a slave woman for the murder of her master in late antebellum Missouri, see *Celia, A Slave* (Athens: University of Georgia Press, 1991). For purposes of narrative fluidity I use the terms "outsiders" or "third parties" to refer to individuals outside of the marriage in question. These terms are not meant to refer to an individual's status within a community.

that it gives further credence to this dissertation's contention that Virginia society was not universally bloodthirsty but instead carefully policed the practice of marital cruelties in order to present the image of an orderly, composed, benevolent southern domestic culture. In contrast, the community responses in Texas reflected its existence as a hybrid southern frontier society. Embryonic understandings of community combined with fragmentary communication networks led to outsider involvement characterized by spontaneity and immediate information gathering, as opposed to carefully planned mediations based on long-term knowledge of abuses. The evidence suggests that Texans would have implemented the strategies employed by Virginians but were prevented from doing so by the presence of frontier conditions.

Finally, Wisconsin residents demonstrated a willingness to engage in physical conflicts in order to curb marital cruelties. They would attempt only limited mediation up until the point at which the discord in question reached a level of perceived near lethality. When this threshold was reached, third parties of both genders would intervene violently in order to establish local peace. Countering brutality with brutality, the actions of these third parties betrayed the impossibility of looking to formal, or even local, legal cultures for assistance in this frontier environment. It can be concluded, therefore, that the proximity to frontier conditions shaped the pattern of interference adopted by third parties. Men and women in established communities, such as Virginia, relied upon local resources which, in turn, pushed them towards nonviolent solutions. In contrast, men and women in frontier environments had limited community and communication networks and, as a result, emphasized violent solutions to violent problems.

Although they might engage in disparate approaches to intervention, the majority of third parties tried to behave in ways that were innately conservative. Essentially, citizens in all three states did not categorize their actions or intentions in terms of dismantling marriages or directly challenging accepted marital norms. Rather, these third parties represented a general public desire to perfect the marriage script in a time of perceived national marital crisis. Across regional lines, men and women attempted to maintain the “peace.” Borrowing my definition from Laura Edwards’s recent work, the “peace” was “a well-established Anglo-American concept that expressed the ideal order of the metaphorical public body.” Edwards continues on to describe how localized law was critical to the keeping of the “peace” as it gave primacy to local factors and knowledge and, in limited ways, recognized the contributions of legal nonentities to the peace process. However, as Edwards focuses on North Carolina and South Carolina exclusively, the question remains as to how understandings of the peace were shaped by regional concerns. Taking a comparative perspective beyond established southern states is significant in that it shows that while the peace was a goal in a wide range of locales, it was not the same in all areas. A national approach also suggests how violence was viewed in relation to the peace and how cruelties were understood by the general populace.⁴

The moral choices faced by third parties witnessing cruelties sheds additional light on mid-nineteenth-century struggles to define the degree to which family and

⁴ Laura Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009), 4 (quote); Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2001), 52; Elizabeth Fox-Genovese, “Family and Female Identity in the Antebellum South: Sarah Gayle and Her Family,” in *In Joy and Sorrow: Women, Family, and Marriage in the Victorian South, 1830-1900*, ed. Carol Bleser (New York: Oxford University Press, 1991): 19.

marriage relations belonged in the realm of private or public affairs. Historians have described how this period marked a “crucial transition” in the relationship of the family to the state and to the public sphere. According to the standard historical narrative, as traditional rights of chastisement waned, cruel husbands voiced their desire to maintain domestic spaces no longer policed by outsiders. At the same time, states across the country were passing divorce laws that increasingly intervened within the home for the sake of community peace. These tensions persist well into our modern period where domestic privacy continues to be interpreted by scholars as code language ‘for the right to beat one’s spouse without recourse.’ Political scientists, sociologists, psychologists, and historians have all created works that examine the connections between the development of public policy focusing on domestic violence and understandings of privacy. One conclusion is that, “when an event is privatized, it is also depoliticized.” Therefore, a grasp of these struggles in antebellum society holds real import for our modern-day discussions of abuse.⁵

Although this chapter relies upon divorce records, it does not attempt to demonstrate that divorce as a form of third-party intervention characterized the norm. Instead, it will discuss how local communities participated in the marital conversations that led to the creation of divorce cases. Legal separations quite often resulted from complex, occasionally long, processes of social negotiations that traversed many

⁵ Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1985), 6 (first quote); Kristin A. Kelly, *Domestic Violence and the Politics of Privacy* (Ithaca: Cornell University Press, 2003), 36 (second quote). See also, Reva Siegel, “‘The Rule of Love’: Wife Beating as Prerogative and Privacy,” *The Yale Law Journal*, 105 (June 1996): 2117-2207; Ruth Bloch, “The American Revolution, Wife Beating, and the Emergent Value of Privacy,” *Early American Studies*, 5 (Fall 2007): 223-251; Hendrik Hartog, “‘Lawyering, Husbands’ Rights, and ‘the Unwritten Law’ in Nineteenth-Century America,” *Journal of American History*, 84 (June 1997): 67-96; Hendrik Hartog, *Man and Wife in America: A History* (Cambridge: Harvard University Press, 2000); Elizabeth Pleck, *Domestic Tyranny: The Making of Social Policy Against Family Violence from Colonial Times to the Present* (New York: Oxford University Press, 1987).

understandings of the public/private divide. As such, the chapter is organized to mimic the process of discovery and possible action that each outsider went through. It starts within the household itself by exploring how marital troubles could become an unfortunate fact-of-life for children, boarders, and slaves/servants. Then, it turns attention to the ways in which this information spread from the supposedly private home sphere out into public spaces and how that process differed from state to state. Finally, the analysis then delves into the variety of ways in which outsiders responded when faced with cruel spouses. The chapter presents a series of moral choices and scenarios in which third parties faced a constantly heightening sense of the possibility of bodily harm to them or others as a result of their decisions.⁶

Not surprisingly, the individuals who lived with a discordant couple were generally the first persons to notice that something was ‘off’ in the relationship. Even when disputes took place behind closed doors, the presence of thin walls and poorly partitioned rooms virtually guaranteed that other inhabitants would be privy to all categories of supposedly private activity. Children, in particular, related stories to the divorce courts focusing on the difficulties inherent in being tied to a conflicted household with few means of escape.⁷ In addition, servants, slaves, and boarders might witness

⁶ Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999); Thomas E. Buckley, *The Great Catastrophe of My Life: Divorce in the Old Dominion* (Chapel Hill and London: University of North Carolina Press, 2002); Cott, *Public Vows*.

⁷ For information on the struggles of children, see *Catherine Byworth v. William Byworth* (1865), WHS-DC; *Sarah Sterling v. L.D. Sterling* (1862), DCTX-WC; *Johannette Lange v. August Lange* (1862), WHS-DC; *Freeman Bacon v. Emily Bacon* (1855), WW-RC; *Patsey Slack v. Josiah Slack* (1853), LVA-No; Linda Gordon, “Family Violence, Feminism, and Social Control,” *Feminist Studies*, 12 (Autumn 1986): 452-478. Thirteen-year-old August (same name as his father) provided one of the more detailed accounts of child abuse stating, “My father treats the children bad with bad words and strikes them. He treats me the worst. He often strikes me so as to hurt me any little thing done wrong he says to do it & whips me for it. He whips me often. Once since my mother was away he struck me with a whip till I was black on my

marital disputes while living in other's households. Legal prescriptions generally barred slaves from providing testimony in divorce cases in southern courts, so boarders comprise our primary source base from the list above.⁸ Often treated as invisible by the warring parties and not labeled as guests, boarders did not benefit from the ideals of public restraint that might have prevented couples from placing them in the midst of uncomfortable situations of domestic conflict. Boarding, as historian Kathleen Conzen observes for Wisconsin, was intended as a way to integrate single men and women into family situations. A boarder received varying degrees of food and lodging in return for labor performed or monies paid. These arrangements were driven by a society's basic needs but also provided an avenue through which to regulate supposedly dangerous solo individuals. Ironically, boarders could be the ones to call for increased controls on the men and women who ran boarding houses.⁹

Long-term boarders generally provided the courts with the most useful and detailed accounts, but this information came at a cost. Forced to be conciliatory or lose their lodgings, boarders could be pressured to serve as a confidante for one or both of the marital partners. James Bailey, a boarder of Virginia couple Frances and James Jones, was burdened by the knowledge that Mr. Jones had contracted a venereal disease as a

back." August's mother was absent as she had fled with only the youngest child, a common pattern within the records, see *Betsey Carter v. Archibald Carter* (1863), EC-EC.

⁸ One of the exceptions found within the records was the case of a man who took his slave, Hannibal Cox, to Wisconsin and filed for divorce using the testimony of Cox to support his case. The wife, back in Virginia, complained that Cox's statement was invalid due to his status as a slave. See, *Mary E. S. Harris* (1849), Richmond (Town/City), LVA-VL.

⁹ Kathleen Neils Conzen, *Immigrant Milwaukee, 1836-1860* (Cambridge: Harvard University Press, 1976), 56. For example, one couple decided to temporarily stay in a boarding house in Racine, Wisconsin, while they set up housekeeping nearby. They almost immediately disliked the boarding establishment and its owners, a Norwegian couple. Aside from complaints regarding cleanliness, the behavior of the Norwegian wife finally drove her boarders to flee in search of more pleasant living quarters. Looking back on their departure, the visitor recalled, "the wrath of the woman grew warmer & warmer until it was too hot for us. ..I never saw just such a woman in my life." As the couple was only staying briefly they could censure the boardinghouse owners and even leave without encountering major difficulties. See, Joel Howd Diary, 1855, WHS. Microfilm.

result of committing adultery. Jones not only asked Bailey what he should do to cure the illness but actually bought medicines and kept them in the boarder's room so as to avoid detection by his wife. This, of course, created an extremely awkward situation for Bailey that culminated in his testifying for Mrs. Jones in the divorce hearing. Instances such as these reminded boarders that they lived as members of the household but possessed no connected rights to privacy. Other household inhabitants could invade a boarder's physical space and mental energies at a moment's notice. Refusing to listen to such information was always an option, albeit with the cost of potentially losing one's lodging locale. There was really no winning position in these scenarios for boarders, therefore it is not that surprising that they generally did not feel as if they were responsible for keeping these cruelties safely contained within the domestic sphere.¹⁰

The question then becomes, how did these stories make their way into the public domain? Outsiders needed to become aware that a problem existed before they could decide whether or not to act. Not surprisingly, this process of information transfer took different forms across the three states. In Virginia, complicated community networks ensured that local men and women were well aware of a marriage in trouble before they actually witnessed any direct evidence of cruelty. Informal information systems served as the primary means for spreading gossip and news. The significance of these flows of fact and rumor cannot be overlooked by historians of the South or, I would argue, of the United States. Much like the modern-day telephone game, a single incident might spark the initial set of rumors, but the conversations quickly took on a life of their own. All members of society were allowed to participate, to varying degrees, in this spread of

¹⁰ *Frances Jones v. James Jones* (1861), LVA-Ly; *Sallie Seymour v. Mansfield Seymour* (1857), LVA-Me.

information. Therefore, as a handful of historians have argued, these community reports provided avenues through which legally marginalized groups could establish a socially respected and recognized dialogue. These conversations, in turn, were of no small importance because they served, in part, to regulate social norms and to keep the peace intact.¹¹

The passage of knowledge into the public sphere also mirrored the movement of bodies from one space into another. Communication networks thrived in environments in which a high degree of visiting and socializing took place. Virginians possessed the opportunity to reside in established communities more frequently than persons in Wisconsin or Texas did. As such, Virginia residents lived in areas long enough for the boundaries protecting domestic privacy to erode under the pressures of community policing needs. The network drew all members of the community into its folds, and household members such as slaves—often referred to as “servants” in the records—who were unable to appear in court, nonetheless contributed to the spread of rumors regarding dysfunctional marriages between whites. William Matthews Blackford, a Virginia resident of the 1850s, was able to write in his diary about the troubles in the neighboring Dabney household because it had become the “town talk.” The Dabneys’ servants/slaves witnessed the supposed culmination of the “domestic feud...in the midst of a storm last Sunday” and provided the “town” with varying versions of the squabble. Now, armed with stories passed along by others, Blackford was able to sit in his study and note in his diary that the Dabneys were headed for a separation. The community reports gave him the opportunity to form an opinion about a matter that really did not impact him directly.

¹¹ Laura Edwards, *The People and Their Peace*; Terri Snyder, *Brabbling Women: Disorderly Speech and the Law in Early Virginia* (Ithaca: Cornell University Press, 2003).

Or did it? Reports in the South helped to shore up the belief that individual failures to uphold proper hierarchies contributed to the possible destruction of southern society as a whole. When chaos reigned in one household, it could spread to others like a contagion. Accordingly, Blackford may have felt as if he was performing some form of policing for the public good by being aware of and by commenting, even privately, on the Dabneys' marital troubles.¹²

Community reports escalated in importance if a couple entered into divorce proceedings. Local judges and juries, as inhabitants of the area, wanted to know what other people had heard about the couple. Presenting community reports in courtrooms really reached the level of performance art in Virginia. Witnesses generally would cite “public rumors” or “prejudicial reports” or “common reports” or “common beliefs” as the source of their knowledge on the domestic relations of others.¹³ Language is important here. The use of “common” implied that this information belonged to everyone while simultaneously indicating that these reports were somehow below the moral threshold of the witness. Virginians repeatedly expressed their ambivalence about local reports, yet they relied on them incessantly. While testifying regarding the troubles of two of his long-term family friends, William Sambeth recalled that it was the “common belief in the neighborhood” that the man treated the woman cruelly. However, Sambeth then backed off his initial statement, somewhat, by adding, “This I do not know for it is the opinion of

¹² William Matthews Blackford Diaries, 1849-1864, UVA (all quotes); Cott, *Public Vows*, 37.

¹³ For case commentary on reports and rumors, see *Mary Jane Ramey v. Isaac Ramey* (1853), LVA-F; *Rebecca Hughes v. Torrence Hughes* (1840), LVA-C; *Anna Woolfolk* (1849), Hanover County, LVA-VL; *Mary Clopton v. John Clopton* (1850), LVA-He.

the neighborhood and I have reason to believe it is so.”¹⁴ So, why would Sambeth affirm the accuracy of the report while also casting doubt on its truthfulness? This was a widespread practice, in part, because witnesses wanted to protect their own bodily integrity by not straying too far into the realm of slander. Prefacing statements with an “I heard...” or “people know” allowed a witness to take the pressure of validity off of his/her shoulders and place it on the community system. These verbal maneuvers possessed the additional effect of making witnesses appear far more neutral than they actually were in fact. Community members could, and did, pass along their personal opinions to the court under the cloak of recounting rumors and reports.¹⁵

Virginians would invest tidbits of rumor with great import, even if they downplayed this reliance to the court. The example of Mary Higman is instructive. She witnessed her father abusing her mother on a daily basis until Mary finally escaped the household and moved to a neighboring area. Unable to maintain consistent communication with her mother following the move, Mary worried greatly for her safety. When they reunited in court during the Higman’s divorce proceeding, Mary told her mother that, “I was looking every week to here [sic] of his killing you.” She relied on, and expected, local reporting networks to traverse the distance and inform her of her mother’s death with speedy accuracy, if the occasion arose. Mary’s actions accord with what historian Joshua Rothman has observed for antebellum Richmond. He found that women placed enough faith in local communication networks that they were willing to

¹⁴ *Rebecca Hughes v. Torrence Hughes* (1840), LVA-C. A witness in another case focusing on an abusive husband stated, “I have heard prejudicial reports against his private character, but from my own personal knowledge. I know nothing.” See, *Anna Woolfolk* (1849), Hanover County, LVA-VL.

¹⁵ *Harriett Smith v. William Smith* (1847), LVA-Bo; *Anna Woolfolk* (1849), Hanover County, LVA-VL.

risk interpersonal confrontation based upon rumors of sexual infidelities. During this period a community report contained the validity of actionable knowledge.¹⁶

In addition to community networks, in order to understand the context in which Virginians made their decisions to intervene, or not, we must also briefly explore the commonly held beliefs regarding honor in the South. Southern honor, according to Bertram Wyatt-Brown, dictated the ways in which southerners interacted with one another. As such, it was not one's actual character that mattered so much as the public perceptions attached to one's person. Being honorable meant being perceived by the community as embodying the ideals of honor. In theory, honor contributed to southerners' erecting proverbial walls between the public and private spheres. In practice this was not the case, as the degree to which local opinion was valued above all else led to the establishment of complex community policing systems. For the sake of general societal well-being and for the protection of the peace, individuals were encouraged to violate privacy norms and to feed information into rumor and report networks.¹⁷ It is important to note, however, that participating in these conversations was not without a cost, and witnesses regularly walked a fine line between assisting in maintaining the peace and becoming the target of retaliatory violence. A local report held the potential to ruin a person's standing in a close-knit community and could sink all hopes of personal or economic success, leaving him/her with vengeance on the mind. One man wrote a

¹⁶ *Mary Yearout v. Charles Yearout* (1857), LVA-Fl; Joshua Rothman, *Notorious in the Neighborhood: Sex and Families across the Color Line in Virginia, 1787-1861* (Chapel Hill: University of North Carolina Press, 2003), 102.

¹⁷ For a discussion of the importance of southern honor, see Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982); Edward Ayers, *Vengeance and Justice: Crime and Punishment in the 19th-Century American South* (New York: Oxford University Press, 1984), 19; Bertram Wyatt-Brown, *The Shaping of Southern Culture: Honor, Grace, and War, 1760s-1880s* (Chapel Hill: University of North Carolina Press, 2001), 297, 301.

letter to an acquaintance describing how any possibility for a better life was “gone forever” due to the gradual “creeping on” of reports and rumors. Aside from being accused locally of “trying to get up an insurrection of the negroes,” he was also rumored to have been “abusive” to his family. Partially admitting the familial abuse, he lamented that he “would to god” that he could manage his family more effectively and asked for his friend’s advice and assistance. At the same time, he offered to “meet justice” with the rumor-mongers, a coded phrase for offering violence to their persons. Again, by their very participation in local communication networks, individuals entered a realm where retribution was a very real possibility.¹⁸

Let us turn our attention for a moment to explore the context in which Texas residents made their decisions whether or not to intervene in situations of marital discord. Texas, as a state populated mainly by southerners during this period, could be expected to possess community networks that mimicked those found in Virginia, but the records do not reflect this perception. Only a handful of the divorce records used in this study reference reports or rumors. This absence is especially striking when one examines the Texas files in comparison to those in Virginia over the same time span. Why the disparity between the two states? To begin with, my work supports the argument made by Carolyn Earle Billingsley that families comprised much of the migrant antebellum Texas population. However, these groups could not directly transplant their ‘home’ cultures into their new environment, no matter how hard they might have tried. Visiting, for example, often fell by the wayside in Texas because settlement was scattered, the roads were in generally horrendous conditions, and travelling could prove quite hazardous. Without

¹⁸ Graves Letter, Holladay Family, VHS. See also, Carpenter and White Families Papers, UVA.

this interconnectedness in terms of the movement of bodies between households, the initial information upon which reports were built could not be gathered. In addition, Texas husbands made the claim that interventions by outsiders weakened already unstable gender roles and threatened to throw even peaceful households into chaos. Male household heads, therefore, fostered an environment in which third party interveners were more likely to be castigated by broader society as meddling troublemakers than social saviors. All of these factors resulted in weak rumor networks fueled by chance intrusions into private marital conflicts and hence fewer opportunities for local reports to enter into formal legal consideration.¹⁹

Antebellum Wisconsin shared many of the frontier characteristics found within Texas, so it could be expected that local residents would place less importance on gossip and rumor than did residents of Virginia. This assumption proves true, to a limited extent. Wisconsin inhabitants appeared to create spontaneous pathways of information when faced with situations of extreme brutality that they believed required a response in kind. They did not use local reports as the basis for long-term mediation but would come together as a community to share their concerns in only the most extreme of circumstances. For example, when Thomas Davey struck his wife with an axe, one witness commented that “it was understood in the neighborhood” that he had done so. Other witnesses said that they “heard” about the incident and came to the house to examine Davey’s wife as she lay bleeding with a partially severed arm. Wisconsin residents knew a great deal about one another from the daily contact necessary in an

¹⁹ Carolyn Earle Billingsley, *Communities of Kinship: Antebellum Planters and the Settlement of the Cotton Frontier* (Athens: University of Georgia Press, 2004). For useful Texas case, see *S. A. Paige v. John Paige* (1859), DCTX-GuC; *Emeline Saunders v. James Saunders* (1858), DCTX-EC; *Elisha Lovell v. Mary Ellen Lovell* (1859), DPL-DC.

interconnected agricultural society, but they did not put these insights into practice without an assurance that the violation of privacy could potentially protect a life. Even with this high threshold for intervention, the frequency of their interventions testifies to the degree to which Wisconsin society was conflicted and violent.²⁰

Before this chapter heads into a discussion of the various tactics used by third parties to intervene in problem marriages, from mediation to charivaris, it is important to briefly examine another avenue through which men and women learned of these situations of discord. Again, they had to become informed before they could choose to act. Communities, particularly in Virginia, could encounter the evidence of marital cruelty via a public display of injuries sustained by the victim. In a similar fashion as today, the majority of those men and women who were targets of spousal abuse would choose to hide their marks and bruises by employing carefully placed clothing items or by isolating themselves throughout the healing process. A small Wisconsin boy told the court that his mother would “hide the marks” left on her throat from her father’s choking attack on her by wearing “a handkerchief on her neck for several days after.”²¹

However, in Virginia a phenomenon developed alongside the growth of local reporting networks, that of showing wounds and scars to community members. Women,

²⁰ *Harriet Ann Davey v. Thomas Davey* (1851), SP-PC (quote); *United States v. Thomas Davey* (1845), PLAT-IC.

²¹ *Rachel Gardner v. Augustus Gardner* (1859), WHS-DC (all quotes). In another case, the sister of a victim described how her sister would, “always, if possible, hide & conceal anything of that kind from me and I only heard & saw it [meaning abuse] at times when he would break out in my presence and curse her and whip her.” See, *Elizabeth Ann Pratt v. John Pratt* (1855), DCTX-GoC. Scotty Brown, a Virginia wife, opened her divorce petition with the claim that she had “endured” her husband’s ill treatment of her long enough and had “never made his conduct public.” See, *Scotty C. Brown* (1848), Shenandoah Co., LVA - VL. Of course, victims also would try to keep cruelties secret in order to protect themselves from additional bodily harm. If information about poor treatment began to circulate in the public sphere then a brutal spouse might take retaliation against the original victim. When Mark Finneman thought that his wife had told the neighbors about “his abuse” he threatened to kill her and gave her “a violent push with his hand” so that she fell over as a result. See, *Finneman v. Mark Finneman* (1861), PLAT-GC.

in particular, would display the marks from the cruelties that they sustained at the hands of their spouses. On occasion, these body examinations would occur in the home of the victim, generally in a room separate from the abuser. These interactions were informal, and often secretive, affairs as women or men crept off to what they deemed a private space to view the victim's body. A short while after James Fulford whipped his wife and dragged her from room to room, a witness and boarder, Mary Rayner, approached Rosina Fulford in an effort to view her injuries. As Rayner describes, "I examined her the same night and found marks upon her person." Rayner concluded her testimony by stating that, "I do not regard him [James Fulford] with respect." In actuality, the type of bodily display made by Rosina Fulford has a long history within Virginia. Back into the colonial period, community members and local authorities investigating crimes such as infanticide would perform a 'reading of the body' to determine cause of death and other information. Everything from bruises to blood patterns would be explored and described in detail for the records. In a way, Rayner was conducting a live autopsy on Mary Fulford. Through this macabre practice she was examining the body in order to piece together a more complete picture of the entire marriage. The principal difference being, of course, that Mary was alive during the exam, but that, of course, could change if the cruelties continued, and both women knew this.²²

The ease of movement in Virginia also led to body viewings taking place while the victim visited another person's house. The social call could be made with this express intention on the part of the woman, or the display could develop as part of the interaction. When Anne Souther went over to the house of Patsey Wyatt, she showed Wyatt the

²² *Rosina Fulford v. James Fulford* (1859), LVA-No.

injuries that she sustained from a whipping twelve days earlier. After Wyatt had looked over Souther's body, she came to the determination that the bruises "looked very dark indeed." Why did Souther go to the trouble of visiting Wyatt and displaying her body? Souther approached the other woman because she wanted the community to be aware of her sufferings, to make note of them in the event of a divorce, and perhaps to render immediate assistance. In a way, Souther was making a case before the community court of report and opinion, and her body served as her evidence. Local reports fed off of and were sustained by such displays. A victim could get an immediate read on the perspective of the neighborhood based upon whether or not an outsider would even consent to the viewing procedure. If met with a positive reaction, sympathy, a victim would often put their injuries on display numerous times for different community members. Sarah Womack, for example, showed her bruises to Mary C. Carlton, William Webb, and others.²³

These displays appear to fly in the face of accepted and proper body interactions. Modesty and substantial clothing coverage was the sign of a lady in southern society. However, historian Charlene Boyer Lewis asserted in her work on Virginia's planter interactions at the natural springs that "the public discussion of one's body," normally a social taboo, was accepted at the springs because of the connections to health and well-being. In a similar fashion, nudity could even be seen as permissible if it took place as part of a community investigation into cruelties. The historical records contain information on women who bared all to make their cases in the court of public opinion. A Mecklenberg County, Virginia, wife took off all of her clothes and showed her neighbor

²³ *Anne Souther v. Simeon Souther* (1843), LVA-H (all quotes). See also, *Mary McPhatridge v. Alfred McPhatridge* (1861), LVA-Wa; *Sarah Womack*, (1848), Halifax Co., LVA-VL; *Harriet Mallory* (1850), Richmond (town/city), LVA-VL.

the “great many marks of violence” on her person. In another county, two women enjoyed an evening together until the conversation turned to the constant beatings that one of the parties suffered at the hands of her husband. As the abused woman rose to leave, she turned around in the yard and raised her dress up high to show all of her person, including the stripes and bruises across her flesh. From her position on the porch, the female companion and confidante made a mental note of the placement and depth of the lash marks.²⁴

On the other hand, the practice of displaying injuries was not as well-established in either Texas or Wisconsin. Texas settlers, as mentioned earlier, simply did not have the travelling abilities necessary to visit others to show their bruises and scars. Deponents would mention seeing evidences of cruelties on the victim’s bodies, but the entire process was not nearly as ritualized as in Virginia. This was a problem that fed itself. Men and women did not show their injuries to others because they could not rely on established networks to pass along these scenes. At the same time, local systems of reporting could only be built with information provided, in part, by such displays. In the case of Wisconsin, witnesses would recall seeing bruises or injuries in visiting scenarios, but the process of display was, again, not in evidence.²⁵

Even when confronted with a victim’s battered and bruised body, the community impulse in all three states was, again, geared towards fixing the marriage in question and not dissolving it. However, the methods that outsiders used to achieve these aims varied greatly from state to state. As this chapter contends, interventions made by third parties

²⁴ Charlene M. Boyer Lewis, *Ladies and Gentlemen on Display: Planter Society at the Virginia Springs, 1790-1860* (Charlottesville: University Press of Virginia, 2001), 113 (first quote); *Amanda King v. Edward King* (1855), LVA-Me (second quote); *Elizabeth Waid v. William Waid* (1862), LVA-Fr.

²⁵ For two examples of the ways in which injuries were commented on see, *Wallace v. Thomas Wallace* (1853), DCTX-GoC; *Maria Jackson v. Alexander Jackson* (1855), SP-PC.

were guided by their particular understandings of what domestic privacy meant as well as what constituted marital cruelty. In the preceding pages we have laid the groundwork for how community members might learn of abuses through local reports or bodily displays. This chapter will now turn its attention to the various approaches employed by outsiders dealing with marital discord, beginning with a discussion of rendering assistance on the most basic level and moving to more aggressive approaches, such as community shaming rituals.

Instead of intervening during the actual perpetration of a marital assault, many outsiders would lie in wait and try to help injured husbands and wives recover following attacks. Those third parties who chose to provide aid in this way could have been trying to speed along the healing process or perhaps simply hoping to ensure the survival of the victim. Not trivial, these neighborly practices could save lives as physical marital confrontations could leave one or both spouses with critical or crippling injuries, as described in a previous chapter. The example of Philip Miller is instructive. He lived with his sister and her husband. One evening he returned home to find his sister lying on the floor following a beating at the hands of her husband. Acting quickly, Philip “took her up & carried her up stairs & put her to bed.” Philip also noted that his course of action was rendered even more necessary as “she was in a family way” at the time. His deposition provides no other commentary on the incident except to mention that his brother-in-law tended to get drunk, making the incident not overly surprising to him. Philip’s intervention was victim-focused; he did not dwell on the actions of the husband because what mattered at the moment, and what he could fix, revolved around his sister. His reticence to castigate the husband perhaps reveals his hesitance to interfere in what he

viewed as a private domestic situation. However, he could not refrain from action when presented with his sister in a potentially mortal state of health. His perception of her condition temporarily overcame his loyalty to household privacy.²⁶

Marital outsiders could also render assistance during times of sickness or ill health. If a cruel partner refused to allow for any type of medical care for their ailing spouse, third parties might sneak, or force, a doctor into the household in question. Numerous cases appear within the records that describe children retrieving medical help and then finding various ways to get this avenue of assistance to their desperate mother/father. On the other hand, a marital partner could promise to provide aid and then never do so, leaving the community to look out for the victimized spouse. A state of perpetual intoxication prevented one man from bringing a doctor to help his wife. She was critically ill and he left twice to retrieve a physician, but he “got so drunk as to forget the business he went upon.” The woman eventually relied upon friends to complete the aforesaid task and place her on the road to recovery. However, this incident represented the final straw in her marriage and, in the midst of her convalescence, she informed her husband that she wanted a divorce.²⁷

Women who faced marital cruelties during bouts of pregnancy, sickness, or child delivery particularly relied upon the kindness of third parties in order to survive. The regular pattern of visiting could reveal a woman in distress or left alone in a state of “confinement” preparing for childbirth. Women suffered through this process alone for a

²⁶ *Eliza Miller v. Daniel Miller* (1858), LVA-No (all quotes). In Wisconsin, two young boys tossed water on their mother’s face after she passed out when her husband threw a butcher knife at her while at the dining table. See, *Harriett Castle v. Horatio Castle* (1860), OSH-WC.

²⁷ *Louisa Bridwell v. Frederick Bridwell* (1862), PLAT-GC (quote). See also, *Nancy Weatherford v. Henry Weatherford* (1843), LVA-Me; *Francis Neuman v. A. J. Neuman* (1854), DCTX-KC; *Hannah Kohlmann v. Henry Kohlmann* (1856), WHS-DC; *Ida Schmidmeyer v. Francis Schmidmeyer* (1861), EC-EC; *Eliza Ann Pierce v. Stephen Pierce* (1848), DCTX-HC.

variety of reasons, including abandonment by a spouse or sheer geographic isolation. As documented by Robert Griswold in his study of divorce in early California, women in vulnerable states of health often looked to other women for support and comfort. One of the more extended visiting patterns that is found within the Texas records focuses on an interaction in which a group of local women supervised the post-natal care of another woman, the victim of spousal cruelty at all stages of her pregnancy. These women had asked the husband if his wife was doing okay after the birth, and he had assured them that she was doing fine. But they did not believe this and set out to visit the woman in question. Upon arrival at the household, they found her unable to turn in bed and without the necessary provisions, including sugar, which greatly disturbed these local observers. To ease her suffering they lent her some laudanum, even though one expressed concern that it might be “improperly used” by the victim. Emboldened by their numbers, these Texas women took group action to investigate a domestic situation that they suspected was improper. However, it is important to note that their ideas about privacy restricted them from removing the woman from the household or even confronting the husband directly.²⁸

Helping victimized women in various states of pregnancy was not an action gendered female as men also participated and rendered assistance. Often kept out of delivery rooms and not privy to women’s private medical discussions, men may not have possessed the same degree of specialized knowledge regarding pregnancy as local women did, but they did enjoy a freedom of mobility that allowed them to reach out to

²⁸ Robert Griswold, “Apart But Not Adrift: Wives, Divorce, and Independence in California, 1850-1890,” *Pacific Historical Review*, 40 (May 1980): 275; *Mahala Ann Edwards v. John Edwards* (1857), DCTX-AuC (quote). Other examples of women helping other women in various stages of pregnancy include, *Rebecca Gray v. F. Gray* (1860), RF-SCC; *Lucy Smith v. Medwell Smith* (1855), WW-WC.

women inaccessible to others. William Graham, a Wisconsin man, travelled three miles to visit a woman that he believed was ill-provided for by her husband. Although the road was “dangerous,” he hitched up his teams and made the journey only to find her very sick with nothing to eat. In an interval when the husband was not noticing, William managed to leave some provisions behind for the woman. He had to act in this secret way because, as he noted in his deposition, the husband would not accept the food, no matter how much the household needed it. The maneuvers made by William hint at the fact that even rendering the most basic assistance could be interpreted as meddlesome by one or both of the marital partners in question. Victims did not always appreciate the help of others, no matter how well intentioned. Husbands, in particular, could feel threatened if outsiders, especially other men, entered their households and tried to provide any form of charity. This perceived threat to household autonomy would, of course, increase with more direct interventions by outsiders.²⁹

In addition, community members would make attempts to engage in mediation with problem couples. Mediators wanted to reconcile the parties to perform marriage in the proper manner, in accordance with local ideas of the peace. My research shows that these men and women were trying to keep couples together, not apart, a finding that coincides with Cornelia Hughes Dayton’s study of law and society in early Connecticut. As Dayton states, “reconciliation rather than divorce was seen as the response that would preserve the social order.”³⁰ Across all three states, men and women from the community

²⁹ *Jane Gernhart v. Henry Gernhart* (1861), STO-DC (all quotes); *J.H. Harberger v. F. Harberger* (1855), DCTX-CoC; *Nancy Flinn v. James Flinn* (1844), LVA-F.

³⁰ Cornelia Hughes Dayton, *Women before the Bar: Gender, Law, and Society in Connecticut, 1639-1789* (Chapel Hill: University of North Carolina, 1995), 130 (quote). For additional information on mediators, see Mark M. Carroll, *Homesteads Ungovernable: Families, Sex, Race, and the Law in Frontier Texas*,

would approach the spouses in question, usually in the couple's household. These interactions would often take the form of informal hearings, with both spouses stating their cases and then the outsider(s) offering suggestions for future peaceful living. Clearly, the mediators that appear within the divorce records met with frustration in their efforts, yet they relate stories describing first-hand the gradual destruction of antebellum marriages. One man recalled that he "frequently endeavored to reconcile" a trouble couple in his neighborhood, but all to no avail. In another case, Addison Turner described how he went over and sat between a husband and a wife as they fought. Then, they each got a chance to state their side of the story at which point Addison told them to "live in peace and quiet." His deposition encapsulated a journey from hope to failure in a matter of sentences. On occasion an attempt at mediation might end in one partner admitting that they might "try to do better" in the future, although a more likely response was continued conflict. A. B. Adams tried, along with a group of neighbors, to stage a marital intervention with one Wisconsin couple, but the entire exercise failed miserably. The meeting ended when the wife triumphantly declared that she had put her husband's tools "in the privy and he might go there and get them if he wanted them." The neighbors retreated at this point and waited for the official dissolution of the marriage. The divorce was granted in December 1858.³¹

1823-1860 (Austin: University of Texas Press, 2001), 143; David Peterson, "Eden Defiled: A History of Violence Against Wives in Oregon," (PhD diss., University of Oregon, 1993), 116.

³¹ *Sarah Kindrick v. Preston Kindrick* (1857), LVA-Wa (first quote); *Margaret Compton v. John Compton* (1851), LVA-R (second quote); *Jane Patrick v. William Patrick* (1860), WHS-DC (third quote); *Edmund Stockwell v. Rachael Stockwell* (1857), OSH-WC (fourth quote); *Nancy Dunford v. William Dunford* (1852), LVA-Cu; *Mary Moore v. William Moore* (1861), LVA-Fr. On occasion, one partner would seek out the assistance of neighbors to create a mediation scenario. William Smith wrote in a letter that, "you neighbors must try and make peace for us," thus placing his burden on others. See, *Harriett Smith v. William Smith* (1847), LVA-Bo.

One of the specific goals pursued by mediators, however unsuccessfully, was renewed cohabitation. Marriage during the antebellum period was not understood separate from a combined living arrangement. Simply put, there was a fear that a couple living apart was not very much of a couple at all. So, mediation and reconciliation efforts often focused on reuniting the couple under one roof. Community members might seek out the absent spouse, if he/she was staying in the area, and request him/her to return home. These encounters were anything but quick and simple as the mediator could be drawn into a spouse's long story of woe, placing the outsider in what can only be described as an awkward situation. Or, a husband or wife could convey their refusal to return in brief terms, referencing their inability to "live together agreeably." However, from the records it appears as if mediators did enjoy some fleeting successes in convincing wayward spouses to return home. Although direct community pressure clearly influenced these decisions, a spouse might also take other outside opinions under advisement. For example, family members might have already pressured a woman to return, thus making the arrival of a mediator a timely and convenient avenue to reconciliation. When Eveline Evans fled from her husband after he inflicted stripes on her with an ox whip, she assumed the move would be permanent. But after Jackson Evans, her husband, apologized, she decided to return and live with him again. Her mother would later write a letter to Nancy applauding her decision and commenting that the couple could be truly happy, "if you and Jack will both try it is very easy for any person to make themselves miserable, and it is almost as easy to make themselves happy." In the

end, the reconciliation did not work out, and Nancy filed for divorce only months after her mother's letter was received.³²

Nancy was not alone in facing community pressure to reconcile with her partner because women, whether victims or not, were generally viewed as the ones responsible for keeping marriages intact. As Anya Jabour found in her study of one companionate marriage, "Wives, with the most invested in marriage, were assigned the task of ensuring the couple's success." Therefore, it should be relatively unsurprising that much of the reconciliation efforts of community members focused on instructing women on the mechanics of setting aside their victimization in order to achieve the higher goal of marriage once again. While visiting a household in crisis, one Virginia man suggested to the wife that she should "be as kind as she could to her husband notwithstanding his bad treatment of her." So, despite the fact that her husband whipped her until the point at which her health collapsed, this outsider advised reconciliation, despite the possible cost to this woman's own body and person. Although shocking to our modern sensibilities, this man's advice conformed very much to the overall goals espoused by community marital mediators. Keeping a marriage intact was what mattered, unless the couple threatened to destroy the institution or societal hierarchies through their actions.³³

As hinted at through the above examples, spouses did not always embrace the efforts of community mediators. In fact, many husbands and wives felt as if these individuals were, at best, meddlesome and, at worst, direct competitors for household

³² *John Curtiss v. Amanda Curtiss* (1848), Rock Co., WHS-WL (first quote); *Eveline Evans v. Jackson Evans* (1854), SHRL-JeC (second quote); *Edward Smith v. Leah Smith* (1859), GB-MC; *Sophia Hoffer mann v. Henry Hoffer mann* (1857), OSH-WC.

³³ Anya Jabour, *Marriage in the Early Republic: Elizabeth and William Wirt and the Companionate Ideal* (Baltimore: Johns Hopkins University Press, 1998), 139 (first quote); *Polly Cox v. Jordan Cox* (1859), LVA-Ch (second quote).

authority. Although this strategy of mediation remains one of the most innocuous approaches for addressing cruelties in marriage, couples could still bristle at attempts to fix the potentially unfixable. In the records mediators would describe how they paired their advice with statements demonstrating their peaceful, and passive, intentions. A proclamation of “I did not come to quarrel,” could signal to all parties that the outsider did not wish to participate in the fray, except as counsel. However, community members could not manage all levels of action, and at some point they had to admit that they were entering a sphere in which they possessed few immediate controls. Hoping to get a couple to commit to reconciliation might involve some sacrifice on the part of the outsider. When William Hays came over for dinner at the Risk household, he no doubt expected a pleasant evening with general conversation. Instead, the couple immediately began quarreling, which prompted Hays to counsel them on amicable living. To prove his point and to keep the peace, he slept that night between the feuding couple. Despite his best intentions, events quickly unfolded that were beyond his control as the husband, armed with a dirk and pistol while lying in bed, tried to reach over Hays to stab his wife with the dirk but in the process thrust the weapon through Hays’s finger. Needless to recount, Hays no longer attempted to solve or even suppress this couple’s marital problems.³⁴

If outsiders could not convince a couple to reconcile via peaceful negotiations, then they might alter their strategy and pursue a more aggressive verbal approach focusing on shaming and confrontation. Openly questioning the actions of the cruel spouse, they would apply pressure in order to force a change in behavior. These

³⁴ *Eunice Bascom v. Emerson Bascom* (1857), RF-SCC (quote); *Jane Risk v. James Risk* (1844), LVA-Ro.

confrontations could range from the relatively informal to involving the entire community, lasting for hours, and taking place in a courtroom-like setting. Embodying the spirit of court proceedings in that all parties adopted an adversarial stance, this strategy represented a moving away from the mutual understanding and peaceful tone that characterized mediation. After a Wisconsin man learned about the injuries that his sister sustained at the hands of her husband, he went over to the house and proceeded to engage his brother-in-law in a debate about the morality of wife abuse. At the end of their talk, the husband “promised that he would not do it again,” a vow which he later violated. Many awkward conversations related by deponents ended in a statement of apology and a promise to reform by the offending party. For example, Peter Julien pledged numerous times to his mother-in-law that he would no longer bring home, and infect, her daughter with venereal diseases caught during his time out at sea. His continued violation of this bond is unsurprising, but the consequences were fatal when his wife gave birth to a child who died due to venereal infection.³⁵

At the most basic level these verbal interventions followed similar patterns across all three states studied, but the records reveal subtle differences in approaches and results. In antebellum Virginia these verbal interactions were influenced by the widely held belief that all members of society should play their part to uphold societal hierarchies and social order. According to precepts of honor, if a man practiced his mastery in an inept way, other members of society were then obligated to intervene and correct him. As the possession of an honorable character depended very heavily on public performance and perception, one of the most effective tools in a community’s arsenal against deviants

³⁵ *Harriet Budlong v. William Budlong* (1856), WW-RC (quote); *Eliza Ann Julien v. Peter Julien* (1857), LVA-No.

were shaming rituals. Shaming exercises reveal a great deal about what antebellum Virginians believed about domestic privacy. To begin with, both men and women appeared within the records engaging in these rituals, suggesting that all members of community argued for their right to participate in moral policing. This interpretation coincides with Laura Edward's findings for informal and formal means of community justice. Shaming was one step within a dance performed by Virginians as they struggled to respect domestic privacy while also maintaining order in their society. Therefore, these confrontations contained within them an unstated threat that if the marital violations continued, the privacy violations would escalate in kind. In the words of one divorce plaintiff, if an individual chose to "become an outcast from society—acknowledging no legal or moral restraints," then any remnants of privacy were moved aside to accommodate public scrutiny.³⁶

Of course, even when faced with verbal accusations, Virginia's cruel husbands rarely relinquished their domestic rights without a fight. Requests made by community members often fell on deaf ears as abusive men would still attempt to behave as they wished. If, for instance, it was pointed out to a cruel husband that it was "two scandalous" for him to whip his wife, the man still might choose to do so, thereby escalating his conflict with the community. Or, he might make an argument that the treatment was justified as he "had had to cook his own victuals for a week." If the outsider pushed the issue, then a battle over household authority might erupt, even though the third party might have only verbally questioned the alleged abuser. The very questioning of authority was enough to make a Virginia household head feel the need to

³⁶ *Elizabeth Fitzgerald v. Samuel Fitzgerald* (1857), LVA-Ly (quote).

defend his authority in a violent way. A local man described how a neighbor purchased a pistol to use on another resident if he continued to interfere in his household management by pointing out that cowhiding was not proper chastisement for a wife, and so on. In the end, community members engaging in verbal interventions in Virginia proceeded carefully while also realizing that they possessed a long heritage of public scrutiny that informed, and supported, their activities.³⁷

The practice of direct shaming is almost absent within the Texas records; but when verbal confrontations erupted, they held the potential for substantial violence. As described in a previous chapter and in the first portion of this one, Texans simply did not possess sophisticated communications networks during the early settlement period. In addition, the southern influence led to an emphasis on public interpretations of character and honor. These factors combined to make any public information regarding household infractions of great import and interest. One example is instructive with regards to the culture of antebellum Texas. Joseph Dye, a boarder with a Texas couple, after overhearing the husband speak poorly of the character of the wife, decided to verbally intervene. He made a moral choice. Telling the husband that he “would have the last drop of your [the abusive husbands] heart’s blood” if he was related to the woman in question, Dye then cautioned the man to provide witnesses before slandering others. In Texas these conflicts were driven by moments of spontaneity and did not proceed within an established network of social relations. While men and women might violently defend

³⁷ *Anne Souther v. Simeon Souther* (1843), LVA-H (first and second quotes); *Harriet Mallory* (1850), Richmond (Town/City) LVA-VL; *Robert Wilkins v. Elizabeth Wilkins* (1854), LVA-Ly; Snyder, *Brabbling Women*.

their rights to domestic privacy, they also operated within a culture that condoned interference, albeit in a haphazard fashion.³⁸

In Wisconsin the efforts of outsiders to verbally confront and shame cruel spouses took an aggressive turn. As described in earlier chapters, cruel husbands and wives in this state repeatedly made claims to absolute domestic privacy and total body ownership of domestic partners. These assertions, and the dangerous nature of cruelties in the state, indicated that spouses felt as if the frontier environment bred uncertainties in marital roles that could only be countered by isolating the household and policing its inhabitants using the most extreme measures. Therefore, the interest of third parties in the marriages of other community members was often seen by the spouses in question as adding to the external factors threatening to destroy the institution of marriage itself. To critics, these interlopers into the ‘private’ realm of marriage could symbolize all that was dysfunctional in early Wisconsin society. In a worst case scenario, even broaching the subject of abnormal household relations could lead the targeted husband or wife to commit retaliatory physical violence against the offending third party. When Bridget Galvin, a Wisconsin wife, took too long to rise out of bed due to injury, her husband jumped on the bed, kicking and beating her. Witnessing this attack, Bridget’s father “remonstrated” with his son-in-law to stop the attack, at which point the man turned his focus on the father and threatened to beat him for interfering. Verbal confrontations unfolded with a high level of stress, in part, because cruel spouses felt as if they were not only battling, and being judged by, the single outsider, but the entire system of their society as well.³⁹

³⁸ *Elizabeth Bryan v. James Bryan* (nd), DPL-DC (quote); *G. M. Webb v. Margaret Webb* (1858), DCTX-FC.

³⁹ *Bridget Galvin v. Michael Galvin* (1856), PLAT-GC.

However, despite this threat of violence, Wisconsin's third parties continued to interfere in marriages, and they met with fewer overall successes than did their counterparts in other states. Outsiders in Virginia and Texas could, at minimum, claim that they provided the impetus for temporary behavioral changes, even if the marriages in question ended in failure over the long term. Wisconsin community members could point to few such fleeting victories. Instead of apologetic crocodile tears, they would encounter outright denials of cruelties. Or, if an admission was made, it would be accompanied by no promises of an amelioration of future treatment of the victimized spouse. Andres Kupfer was "one of the most dirty & disgusting fellows imaginable," according to his wife Fredericke. He would force her to engage in sexual intercourse "seven or eight times in a single night." Worse still, his private parts were infested with "crabs or crab-lice," which he would pick off and then use force to "compel her [his wife] to swallow them." Milwaukee policemen agreed that Andres was an exceptionally disturbed man, a frequent visitor to the bawdy houses found within the city. Finally, Fredericke's mother stepped in to put an end to Andres's cruelties. She cornered him one day and pointed out the myriad ways in which he had violated his marriage bonds, concluding, "You must use her like a man, and not like a beast." Note that she referenced the term "use" to reflect that wives could be "used," the issue being proper versus improper usage. Andres responded to her concern by stating that if he could not have sexual intercourse in the ways in which he wished it at home, he would continue to go elsewhere. Intentionally or not, he missed the point, and the verbal intervention dissolved into nothingness, as the marriage would months later. Even as outsiders were forced to resort to more aggressive patterns of verbal confrontations, they also faced spouses very much wedded to ideals of domestic

privacy and few limits to marital cruelties. These conversations took place on a plane in which violence was an ever-present possibility and a primary mode of communication, thus offering an indication that violent conflict was expected, not avoided, in the state of Wisconsin.⁴⁰

Across all three states the presence of family served both to ameliorate and to exacerbate marital relationships. As described below, relatives living nearby could provide essential shelter or physical protection in cases of domestic attack. However, mixed households in which a husband and wife lived with one set of parents and/or other relatives appeared to be a recipe for disaster. In times of disagreement, the spouses would look to their blood relatives to support their stance. This behavior led to an “us versus them” mentality that could quickly deconstruct a marital unit. Family members could also feel the need to step in, even when not asked, to prevent violence between the partners. These interventions could be interpreted as unwelcome interference or as claiming/taking proper domestic authority away from a husband. Authority battles often revolved around the actions of father-in-laws. The women at the center of these disputes were essentially being asked to choose which male figure they wanted to align themselves with. While she was living in her father’s house, Martha Jane Rector’s husband and father got into a verbal dispute and her husband asked her to leave with him and go settle elsewhere. She refused to follow her spouse and proclaimed that she did not intend “to put her foot out of her fathers house.” This split led to the eventual dissolution of her marriage, as her husband stated that he should not be legally responsible for a woman who chose to seek

⁴⁰ *Frederike Kupfer v. Andreas Kupfer* (1860), MIL-MC. See also, *Emile Ellis v. D. R. Ellis* (1854), PLAT-IC; *Mary Ann Lawson v. Robert Lawson* (1856), WW-WC; *Mary Carpenter v. Horace Carpenter* (1864), EC-EC; *Margaret Lewis v. Lewis Lewis* (1861), PLAT-IC; Pamela Haag, “The ‘Ill-Use of a Wife:’ Patterns of Working-Class Violence in Domestic and Public New York City, 1860-1880,” *Journal of Social History*, 25 (Spring, 1992): 447-477.

the protection of another man. It is clear that living with parents could corrupt what antebellum society considered the natural process of transferring authority from father to husband. As one Methodist minister cautioned his daughter upon her marriage, “you have now changed guardians & passed from under the immediate care & protection of a father to that of a husband.” Therefore, certain living arrangements could lay the groundwork for situations in which technical outsiders became part of actual marriages, which increased their ability to intervene as well as the potential for problems.⁴¹

So far in this chapter we have discussed situations of mediation and verbal confrontation in which community members had time to contemplate whether or not to intervene and in what ways they would do so. Now, we will turn our attention to a more direct form of intervention in which third parties had only moments to make a moral choice, the offering of shelter to a victim of marital cruelty. Because most outsiders would not take the initiative to offer shelter on their own, this was a form of intervention generally spearheaded by the injured party, thereby thrusting the community member into a potentially dangerous position. Again, the practice of sheltering reflected local involvement in supposedly private situations. Husbands and wives, across all three states, tended to request assistance from their neighbors before approaching legal, even local, authorities. As this chapter argues, whether or not third parties offered a husband or wife shelter depended on their ideas regarding domestic privacy and their perception as to whether or not cruelty had occurred. The privacy question was lessened by the arrival of domestic conflict, in the form of a supplicant, on another’s doorstep. However, third

⁴¹ *Martha Jane Rector v. Henry Rector* (1857), LVA-C (first quote); Alfred Brunson Papers, 1815-1882, WHS (second quote). For issues with in-laws or family living arrangements, see *Joset Idell v. Isaiah Idell* (1865), GB-OC; *Louisa Hammock v. Samuel Hammock* (1854), LVA-Lu; *John Curtiss v. Amanda Curtiss* (1848), Rock County, WHS-WL; *Ludwig Richter v. Mary Richter* (nd), WW-WC; *John Ates v. Sarah Jane Ates* (1857), DPL-DC; *Jane Flanagan v. James Flanagan* (1861), DCTX-BuC.

parties still tried to balance concerns over privacy with concerns over the person's, and their own, welfare. When they accepted a victim into their house, they were not hoping to speed along the dissolution of the other's marriage but rather desiring to provide a safety valve of sorts, a space to let off some steam. As described later, a non-relative providing any form of permanent sheltering was looked upon by most communities as a distasteful last resort because it often led to the victim becoming a financial burden on the local society.⁴²

Situations resulting in requests for outside shelter usually stemmed from a marital partner either escaping or being driven from his/her household. The great majority of spouses who left were women, although a handful of men appear within the records as well. Leaving the home was generally a traumatic affair that could serve as the culmination of years of problems or occur after a seemingly spontaneous violent conflict. An abused woman could create and execute an elaborate escape plan, such as when a Virginia wife fled in the middle of the night as her husband was distracted with writing. Or, a woman could leave without a moment's notice or preparation, as another Virginia woman did when she ran off in the rain and "did not even take any clothing with her." Similarly, cruel husbands gradually drove women away with tortures over time or by immediate threats of death. Of course, the more dramatic scenes received additional explanation within the divorce bills. A husband ordering a wife away while brandishing a pistol was simply more interesting than a man making a single declaration to his wife to leave the premises.⁴³

⁴² Merrill D. Smith, *Breaking the Bonds: Marital Discord in Pennsylvania, 1730-1830* (New York: New York University Press, 1993).

⁴³ *Octavia Richards v. Edward Richards* (1841), LVA-F; *Elizabeth Waid v. William Waid* (1862), LVA-Fr (quote). See also, *Emeline Collins v. Josiah Collins* (1853), WHS-DC; *Kiley v. Kiley* (1852), SP-PC; *Mary*

A handful of patterns of flight can be discerned from a close reading of the documentary archive. To begin with, a woman was most likely to leave, whether by choice or force, during nighttime hours. As described in previous chapters, this timing coincides with the prevalence of night attacks within the records. Night was a particularly ripe period for discord in marriages. Few distractions were present, and the house space generally closed in on itself with temporary visitors leaving before nightfall. Of course, night escapes also contributed to the danger and drama found within petitioners' accounts. Leaving one's house under the cover of dark allowed for a secret escape but also posed numerous challenges to personal safety. Making a decision to take along one's children presented another obstacle to a successful departure. The majority of women were simply not able to take along all of their small children on these frantic, often spontaneous trips. They would generally choose to save the youngest child, the one they deemed most in need of their particular maternal care. When Johannette Lange left her abusive husband August, as described earlier in this chapter, she fled with only her one-and-a-half-year old, leaving her four other children behind.⁴⁴

Once these hard choices were made, the journey itself generally presented its own challenges. In some cases, a husband would chase after a wife, forcing the woman to travel with great haste at night and in treacherous territory. The ramifications for not moving quickly enough or evading capture could be great. One Texas woman fled in the middle of night hoping to reach "a place of safety." Unfortunately, her husband overtook her and "dragged her about by the hair for the half a mile back home." Texas women, in

Falvey v. Jeremiah Falvey (1860), SHRL-JC; *William Donaho v. Mary Donaho* (1859), DCTX-CC; *Mary Byas v. William Byas* (1857), DCTX-WC.

⁴⁴ *Johannette Lange v. August Lange* (1862), WHS-DC; *Margaret Compton v. John Compton* (1851), LVA-R; *John Allridge v. Charlotta Allridge* (1859), LVA-Wa; *Susan Menefee v. Banks Menefee* (1854), LVA-F; *Isham Finch v. Marietta Finch* (1855), DCTX-GoC; *Elkins v. America Elkins* (nd), DPL-DC.

particular, suffered the consequences of distance and relative isolation when they attempted to flee from situations of domestic cruelty. As stated earlier, households in early Texas could be spread out at great distances, making it difficult to reach other areas even in ideal conditions and in daylight.⁴⁵ Joan Cashin, in her work on the Texas frontier, describes how “geographic isolation” presented a great problem for women hoping to rely upon outsider interventions for protection. I disagree with Cashin’s argument that family connections collapsed under such conditions, but they were definitely strained by common living conditions. For example, when Rebecca Harper ran from her Texas home in the dark, she had to travel three miles on foot and in the rain before she arrived at her father’s house. The trip broke her constitution, and she stayed sick until the time she filed for divorce. Other women complained that even after an arduous journey of escape, they could only reach the locations where “strangers” resided. In the end, the difficulties women faced when fleeing were created out of the general environment of isolation that characterized life in early Texas.⁴⁶

Now that we have established that these women often left their homes in frantic ways, let us try to discern the image that might have met a neighbor who opened his, or her, door to discover such a refugee. By candlelight, the person might observe that their neighbor was soaked from head to toe from the rain or even covered in bruises with their clothes partially ripped off. Or, perhaps the woman would be missing a chunk of hair from her scalp. She might not be wearing shoes, even in snowy, winter conditions. An

⁴⁵ *Mary Dunn v. J. K. Dunn* (1858), DCTX-GuC (quotes); *Elizabeth Petteway v. M. Petteway* (1851), DCTX-HC. Travel difficulties were also faced by Wisconsin wives, see Mark Wyman, *The Wisconsin Frontier* (Bloomington: Indiana University Press), 182.

⁴⁶ Joan Cashin, *A Family Venture: Men and Women on the Southern Frontier* (New York: Oxford University Press, 1991), 97 (quote); *Rebecca Harper v. Robert Harper* (1859), DCTX-FC. For a mention of strangers see, *Elizabeth Adair v. Joseph Adair* (nd), VRHC-JC; *Polly Reels v. Patrick Reels* (1843), DCTX-ColC.

outsider would have to take in all of this information quickly, as it was not proper to leave a person standing on the doorstep. After an initial survey of the supplicant, this third party would then begin to make a sequence of moral decisions that could impact the welfare of all involved. Of course, to begin with, a person might not have opened the door to prevent being placed in this position. For obvious reasons, individuals who ‘pretended to not be home’ do not appear within the record. As this chapter argues, those people who did open the door would first try to evaluate whether or not cruelties had actually occurred. They would quickly look over the woman’s appearance to assess the degree of visible damages. The likelihood of shelter being offered correlated with the perceived extent of injuries. If a woman was “very much bruised” or appeared to be not physically able to make it back home, then shelter was highly likely. However, by fleeing their homes the abused women were protesting marital cruelties through the bodily act of relocation, so privacy concerns weighed heavily in the decisions made by outsiders. Accepting a woman into one’s home represented a willingness to involve oneself in the marital affairs of others. Therefore, some community members would try to deflect responsibility by telling the woman to go back home or by even escorting her home themselves.⁴⁷

What occurred after a neighbor/relative opened the door and allowed the injured woman to enter? In countless cases, many of which never made it into the record, nothing of particular note happened at all. The woman could stay the night or for a few hours and then return home, perhaps to repeat the pattern again at another time. However, not all

⁴⁷ *Sarah Womack*, (1848), Halifax Co., LVA-VL (quote). See also, *Wallace v. Thomas Wallace* (1853), DCTX-GoC; *Mary Daly v. Bernard Daly* (1846), MIL-MC; Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women & Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004).

sheltering situations proceeded in such placid ways. Whether a man kicked his wife out of doors or she fled on her own, a husband could still feel the need to track his wife down and demonstrate his mastery before a public audience. His ultimate goal was to regain possession of her body, which she had placed momentarily beyond his control; he would thereby reassert his manhood, even if it was flawed in practice. In all three states, to allow a wife to become a dependent in another's household, even momentarily, commented negatively on a man's ability to manage his affairs. The records describe husbands arriving at the houses of the third parties determined to take back into their possession what they believed to be theirs, their wife.⁴⁸ Once an angry husband arrived at the doorstep, the neighbor was faced, again, with a moral decision. Do they continue to provide shelter? At what point is the potential for danger just too great? Do they turn over the woman and hope for the best? Although it is difficult to believe, many community members chose to allow the husband to seize the wife, even if she was clearly in hiding. One such man, Jefferson Arthur, described how a feuding husband chased his injured wife up Arthur's stairs, picked her up, and left with the woman in tow. These events, while shocking, are not overly surprising. After all, images of husbands "hunting" wives abound within the divorce records. The natural conclusion of the hunt was to find the wife and bring her back to the marital home. Husbands on these types of missions, with gun or knife in hand, also held the potential to inflict violence on anyone they encountered.⁴⁹

When faced with an irate husband, a third party could also refuse to allow the man to enter the dwelling. This decision was usually made in an effort to avoid conflict and to

⁴⁸ Camp, *Closer to Freedom*.

⁴⁹ *Milly Perdue v. Isaiah Perdue* (1855), LVA-Fr; *A. Hall v. George Hall* (1864), LC-MC.

allow everyone to calm their nerves, but it often backfired. Left outside with nothing but his anger, a spurned husband could become even more dangerous and desperate to assert his dominance in the situation. In a Virginia domestic dispute, an intoxicated man followed his wife to her father's dwelling, where he was refused entry. He then proceeded to stumble around outside, yelling and threatening to storm the house and take her away by force. In other scenarios, a spurned man might attempt to make his way inside the dwelling in question through the use of force. Wielding dangerous weapons and willing to risk serious injury to accomplish their goals, these men were difficult to subdue. Power struggles of this sort could take hours as the residents of the shelter household maintained vigilance and the husband tested the limits of their guard. On the heels of a particularly brutal whipping, Harriet Mallory fled and was offered shelter by her sister Julia Hill. The arrangement worked out smoothly until Mr. Mallory arrived, with pistol in pocket, to 'visit' his wife. When Julia would not allow him entry, he drew his pistol and attempted to break down the door. When that strategy proved unsuccessful, he waited on the porch for an opportunity when one of the women would step near a window, providing a clear shot. Thinking quickly, Julia managed to sneak a slave out to go and fetch the local lawmen, who later managed to take Mr. Mallory away. The above story supports, in part, what Nancy Tomes found to be true for mid-nineteenth-century London. Outsiders would demonstrate a marked hesitance to become involved in domestic conflicts because they understood that "such intervention entailed serious risks, since the husband's rage was often turned on the person attempting to aid his wife."

Extending shelter to a woman in need could carry with it potentially deadly consequences.⁵⁰

On the surface it appears as if these conflicts were built upon quarrels between competing masculine authorities; however, the presence of women offering shelter complicates that interpretation. Victoria Bynum, Stephanie McCurry, and other noted historians have argued that fleeing women essentially “invoked the authority of one set of men” against their husbands by taking shelter under a new masculine roof.⁵¹ This category of power struggle played out most prominently in Virginia, as the majority of individuals who appeared in the records as offering shelter were men. This absence of women could reflect an inherent bias in the records, as women who openly challenged men may not have felt comfortable recalling their actions in court. Violating gender norms during a heated one-on-one interaction was quite different from declaring one’s actions to the community at large. A story from an antebellum Richmond newspaper provides a window into what could happen when women helped women in this way. The paper recounts how a man, Joseph Nelton, hit a woman because she was allegedly sheltering his wife and children after he had driven them from the house. So, women who offered assistance were not immune from facing violent penalties for their actions.

⁵⁰ Nancy Tomes, “A ‘Torrent of Abuse’: Crimes of Violence between Working-Class Men and Women in London, 1840-1875,” *Journal of Social History*, 11 (Spring, 1978): 335 (quote). See also, *Magdalen Carter v. John D. Carter* (1853), LVA-Be; *Harriet Mallory* (1850), Richmond (Town/City), LVA-VL; *Sarah Budd v. John Budd* (1863), OSH-WC; *Margaret Thompson v. George Thompson* (1862), WHS-DC; *Victoria Clement v. James Clement* (1860), LVA-Fr. The domestic threshold and sheltering could also relate to a boarder offering to hide a woman within his/her separate room. These scenarios played out in remarkably similar ways to those conflicts within separate abodes. One man, a boarder and the wife’s brother, allowed the woman to stay in his room after her husband tried to choke her to death. When the husband learned she was inside he grabbed a chair and tried to “smash” down the brother in order to gain entry, but he failed. However, the conflict continued as “he kept trying to get her out of the bedroom all night.” See, *Elisabeth Aldrich v. Andrew Aldrich* (1854), WW-RC.

⁵¹ Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1995), 89-90, 193 (quote); Victoria E. Bynum, *Unruly Women: The Politics of Social and Sexual Control in the Old South* (Chapel Hill: University of North Carolina Press, 1992), 77.

Wisconsin women, in particular, appeared quite willing to engage in sheltering and to retaliate in physical ways if the thresholds of their households were breached by cruel men. When John Lewis pursued his wife into Mary Ulrich's home, she forced him from the premises and stated that she "did not want any fighting" in her house. Despite Lewis's threat that he would "knock" a hoe into Ulrich's head, she still won the day and he left sans wife. This is not to argue that Wisconsin women were naturally violent individuals but rather that the culture of the area allowed for interactions to take place on a violent plane. Keeping the peace of a household might require a woman to respond violently, just as sustaining the peace of the community required aggressive action. Again, the community in Wisconsin made a claim that domestic privacy was a privilege and not a right. Of course, husbands across all three states reacted with varying degrees of shock to these assertions. As stated in previous chapters, men were faced with varying degrees and types of community challenges to their perceived patriarchal rights of chastisement, and the offering of shelter to abused women served to only agitate these concerns. Even a husband's pleas to the community to refuse shelter to a wayward wife would be regularly ignored by the local citizens who could instead choose to make an independent decision regarding the woman's welfare.⁵²

Much to the chagrin of well-wishers, a temporary extension of shelter to a desperate woman could eventually turn into a permanent living arrangement. A transition period usually took place where a woman would be induced to return to her marital home only to suffer cruel treatment again and to repeat the process of fleeing. Because of the conservative impulse of the third parties to try to keep the marriage intact, victimized

⁵² Richmond *Dispatch* 26 January 1858; *Mary John v. Lewis John* (1862), OSH-WC (quotes); Hartog, "Lawyering, Husbands' Rights, and "the Unwritten Law,"" 67 (quote); *James Brewer v. Harriet Ann Brewer* (1851), DCTX-NC.

women were forced to engage in these maneuvers even if they truly only wished to establish a new permanent residence. After numerous attempts at physical reconciliation, a woman was most likely to settle in with relatives to begin the long-term healing process. Fathers, brothers, sons, sons-in-law, daughters, mothers, and even mothers-in-law could all provide alternative permanent living arrangements to a relative in need. Returning to a parent was a gendered remedy available solely to wives, as injured husbands were generally not known to move into their father's households. In her study of early Connecticut, Cornelia Hughes Dayton describes how rejecting the shelter provided by a marital partner could prove costly in numerous ways for women. In particular, the economic consequences of their decision would weigh upon the community as it now had another helpless dependent to support out of the group fodder. Complaints about these burdens surfaced in the records in those areas in which resources were scarcest and survival most difficult. As such, Wisconsin residents would frequently mention how they wanted to help a victimized woman but could not do so due to financial concerns. Economic stresses would occasionally transform a permanent living situation into a temporary one overnight, forcing the woman to go elsewhere again.⁵³

As the above pages demonstrate, third parties could be forced into a moral dilemma due to a request for shelter, but they also could be drawn into conflict by what I label as "the noises of violence." I include within this phrase any and all audible emanations associated with marital discord. Of course, these vocalizations were not

⁵³ Dayton, *Women before the Bar*, 62. For patterns of women leaving and returning, see *Bertha Sandberg v. Louis Sandberg* (1860), WW-WC; *Mary Elizabeth Andrews v. Edwin Andrews* (1859), PLAT-IC. Situations in which relatives provided shelter are too innumerable to list, but for a few cases, note *Lucinda Hughes* (1846), Marion Co., LVA-VL; *Sarah Jane Bowen v. Richard Bowen* (nd), DCTX-CoC; *Mary Starno v. Arthur Starno* (1847), DCTX-WC; *John Hays v. Mary Hays* (1848), WHS-WL; *Eliza McKee v. Steward McKee* (1848), PLAT-GC. For examples of economic complaints, see *William Warren v. Melvina Warren* (1859), WHS-DC; *Sally Palmer v. George Palmer* (nd), WW-WC.

intentional in the majority of conflicts, but they still represented an active beckoning of third parties. The degree to which domestic strife is characterized by sound is a subject that has yet to be the focus of serious exploration by historians. However, as contemporary horror films demonstrate, incidents that are witnessed without an accompanying visual script are often the most terrifying. It is possible to contend that to fully understand domestic violence, we must approach it from a variety of sensory perspectives. In some circumstances community members only had their hearing to determine whether or not, and how to, intervene in a conflict. Let us explore how these men and women used this limited information to address the questions of privacy and to determine the extent of cruelties taking place.

In what situations might a third party hear the noises of violence? The most obvious answer to this question is that those individuals who resided under the same roof possessed the highest likelihood of hearing conflicts. The information provided by children and boarders reflects the fact that some of the noises were practically inescapable within dwellings. Again, thin walls and shoddy construction in houses across all three states made the transmission of sound practically unavoidable. The witnesses would recall hearing general noises as well as specific terms and words. In some situations their recollections could even be quite humorous, in retrospect. One boarder recalled listening to a couple quarreling during the night. He heard the man step toward the woman and she screamed at him not to shoot her. He then heard the man reply, “you damn fool I am only going to take a chew of tobacco.” However, the majority of listeners suffered from loss of sleep due to these loud conflicts and found little to laugh about. Hearing a person getting kicked out of bed could wake a person up. Hearing “screaming

and hallowing” could wake a person up. On these occasions even children would take action to restore the silence of the household, as a Wisconsin girl did when she went to her parents’ “bed to quiet them.” Other people would just suffer in silence listening to the noises of husbands and wives in turmoil. A Texas boarder recalled how “many a night I was very much annoyed” from the sounds of violence, “so much so that I could not sleep.”⁵⁴

Moreover, the noises of violence were not confined within domestic spaces, but could cover miles and travel to the ears of neighbors and community members passing by the households in question. Christine Stansell is one of the only historians to briefly describe the ways in which the sounds of conflict could travel from place to place. In her article Stansell focuses on the New York City tenements, a compressed urban space; however, this phenomenon occurred in all settings, including rural Wisconsin, Texas, and Virginia. Witnesses would relate how they heard the sounds of conflict while attending to their daily tasks. They would assert that they could not avoid listening to these noises no matter how much they tried to stay away from the location in question. A Virginia man recalled how he used water from the same spring as a troubled couple, and that he constantly overheard them arguing from across the stream. As described earlier, houses in rural Wisconsin were spaced at quite a distance from one another due to farming needs, therefore posing a challenge to travel. It could be assumed that this distance would prevent the spread of noises, but Wisconsin neighbors stated to the court that audible indications of violence could easily cross many yards or even miles of quiet countryside. Samuel Young would hear his neighbor “swear and scold” at his wife while everyone

⁵⁴ *Lucinda Latham v. Silas Latham* (1854), LVA-Be (first quote); *Mary West v. John West* (1861), EC-EC (second quote); *Rhoda French v. John French* (1865), EC-EC (third quote); *Elizabeth Bryan v. James Bryan* (nd), DPL-DC (fourth quote).

was in the fields. In another case, a Wisconsin man asserted that, although he lived “forty rods [600 feet] from the parties,” he still “often heard” the noises associated with their feuds.⁵⁵

The question then becomes, if a third party was presented with audible or visible evidence of a marital conflict in progress, how did he/she decide when/if to intervene? How did these moral choices play out? To begin with, as this chapter argues, questions of privacy were addressed but these became less important if the witness was seeing the cruelties occur on a face-to-face level. The real focus was whether or not marital cruelty was in progress and needed to be stopped. This dissertation agrees with Marylynn Salmon and other historians that the wives and husbands across all three states did have to tolerate a degree of cruelty, so the issue, again, was where to draw the line. After initially learning about a conflict, the witness would usually try to gather additional information with which to make their decision. If they were a neighbor “attracted by the cries” of a marital victim, they might head over to the location to see everything in person. If they were outside when the attack occurred, they might rush inside. Of course, it would be untrue to assert that all third parties chose to intervene after gathering more information. Some individuals still made the decision to remain on the sidelines during the conflict. For example, one Milwaukee woman watched from her doorstep in the Eighth Ward as her neighbor beat his wife over the head with a chair.⁵⁶

⁵⁵ Christine Stansell, *City of Women: Sex and Class in New York, 1789-1860* (Urbana: University of Illinois Press, 1987), 58; *James B. Harrison* (1849), King William Co., LVA-VL; *Hannah English v. Samuel English* (1841), MIL-MC (first quote); *Hannah Rankins v. Daniel Rankins* (1858), STO-PC (second and third quotes).

⁵⁶ Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986), 77; *Elizabeth Waid v. William Waid* (1855), LVA-Fr (quote); *Heatly v. Robert Heatly* (1861), OSH-WC; *Dorothea Mohr v. George Mohr* (1857), MIL-MC.

As Stansell describes, those community members who chose to physically intervene were restricted to a “patterned series of moves and countermoves,” a dance that was fully recognized by all involved. This, of course, is not to downplay individual agency, but third parties were very aware that their choices would be scrutinized in terms of local social mores. Divorce petitioners related countless stories of the miraculous outsider saving them from a brutal death at the hands of their spouses; however, the incidents related by the third parties themselves are much more informative for our purposes. From their accounts it can be determined that third parties across all states believed that, at a minimum, a threat against a person’s life permitted a community member to intervene in a physical way. The issue was determining exactly when a marital conflict escalated to the point of life threatening for either spouse. That is one reason why outsiders were very willing to respond to cries of “murder,” taking these proclamations to be serious indicators of a deadly struggle in progress. In her study of early London, Tomes supports this assertion by stating, “The community drew the line at murder; the fear of murder prompted action.” Across all three states in this analysis, wives mostly, and a few husbands, resorted to calling out for assistance. “Murder” yells appear to have been particularly effective in Wisconsin, as they were mentioned frequently within the records and they almost always prompted a neighbor to leave immediately to render aid to the afflicted. This could be the case because community members in this state were well aware of the level of violence found within homes and possessed ample evidence from their daily lives that domestic murders could, and did, take place. This type of violence was almost expected, if not condoned. In addition, the records indicate that, despite the prevalence in the archive, Wisconsin wives resorted to

this measure sparingly, perhaps attempting to resolve the problem on their own, maybe even in a physical way, before ‘calling in the cavalry’ so to speak. For example, the small daughter of Delia and Lyman Tubbs told the court that, “Mother does not hallow unless she is in great danger.” Of course, a woman who cried wolf too often ran the risk of being ignored when she really required the assistance of others.⁵⁷

Once a third party arrived at the scene of the conflict, the records indicate that a variety of factors continued to influence the manner of their intervention. In particular, the use of weapons by one spouse against another often led to a physical intervention due to the escalated risk of serious injury by the parties. Historian Pamela Haag, in her study of nineteenth-century New York, finds that weapons use was perceived by witnesses as a “transgression” of the “tacitly recognized boundaries of ‘tolerable’ domestic abuse.” Therefore, as this chapter contends, cruelties of this kind satisfied one of the requirements necessary for action by third parties. The most common response was to prevent the cruel spouse from carrying out his/her intentions by grabbing or blocking the chosen weapon. Again, Wisconsin community members regularly engaged in these types of interventions. Both male and female observers would put their own bodies at risk to prevent the use of a weapon against a person who they perceived as a victim. Whether it was grabbing a chair from an irate husband or taking fire tongs from an angry wife, Wisconsin residents appeared to feel as if they were obligated to meet force with force. The descriptions of these interventions drip with physicality, with men and women springing to action. They

⁵⁷ Stansell, *City of Women*, 81. For stories of general physical intervention, see *Henry Huff v. Carolina Huff* (1854), DCTX-FC; *S. Irvin v. William Irvin* (1851), DCTX-SC; *Susan Pollard v. James Pollard* (nd), PLAT-IC; *Margaret Bryant v. William Bryant* (1857), LVA-Roc; Tomes, “A Torrent of Abuse,” 336 (first quote); *Delia Tubbs v. Lyman Tubbs* (nd), OSH-WC (second quote). Examples of Wisconsin murder cries can be found within, *Rebecca Abbott v. Quartus Abbott* (1849), PLAT-LC; *Lucy Ann Hewett v. Phipps Malcom Hewett* (nd), MIL-MC.

would even put their bodies at risk in the heat of the moment, blocking a thrown item before they had even identified the object. However, spontaneous decisions could prove costly if the lobbed item was a butcher knife. In contrast, Texas and Virginia community members appeared to have been less willing to resort to physical measures of intervention.⁵⁸

This marked difference between the three states continues as the analysis shifts to include circumstances in which third parties grabbed the abuser and restrained him/her. Wisconsin citizens engaged in all manners of preventative grappling, including seizing the arms, legs, or even the torso of the offending party. One guy and “two others” jumped on William Garrick as he pounded his wife with his fists. Many of these witnesses would categorize their actions as interference when testifying in court, but they maintained their right to do so. When recounting his efforts to break up a feuding couple, George Smart recalled, “I then interfered and took him from her by force.” Smart’s account both celebrated his course of action while also emphasizing the necessity of using physical methods. In Texas, moments of physical confrontation generally unfolded in more seemingly random scenarios, such as when two travelers came into a house to stop a man from throwing household items at his wife. In this state the physical fragmentation of

⁵⁸ Haag, ““Ill-Use of a Wife,”” 463 (quote). See also, *Kramer v. Kramer* (1860), SP-MC; *Polly Luce v. Chaney Luce* (1851), WHS-DC; *Ann McGivern v. John McGivern* (1860), PLAT-LC; *Robert Lawson v. Catharine Lawson* (1857), WW-WC; *Celia Ann Bailey v. Thomas Bailey* (nd), OSH-WC; *Elizabeth Kirby v. John Kirby* (1842), MIL-MC. A few of the examples for Texas and Wisconsin include, *Helen Grimaldi v. Joseph Grimaldi* (nd), SHRL-JeC; *Mary Yearout v. Charles Yearout* (1857), LVA-Fl. Adult male children appeared to be a particular group who moved more quickly toward physical intervention if the victim in question was their mother, see Gordon, “Family Violence,” 459; Peterson, “Eden Defiled,” 118; *Eleanor Chesterfield v. William Chesterfield* (nd), PLAT-IC.

society combined with the push by cruel husbands to retain domestic privacy led to a community attitude less prone to physical prevention.⁵⁹

The organization of this chapter has emphasized an escalating sense of urgency on the part of third parties as well as an increased sense of danger for all involved in marital conflicts. As such, after individual attempts at intervention and mediation failed, or if a couple's problems proved simply too offensive for toleration, the entire community could engage in general censure of the cruel husband or wife. Essentially, they would join together to target the person who was flaunting their supposed independence from societal restraints. Then, the group would use a variety of shaming techniques to demonstrate the extent to which this person was indeed still very much under local control and could not hide, even behind the rhetoric of domestic privacy. It is important to note that these efforts were still preventative and not intentionally destructive of marriages, according to historian Nancy Cott. The community did not seek to destroy marriages but rather to "prevent negative behaviors" from gaining a permanent foothold and creating an environment of general social disruption. They were also extraordinary in nature and did not reflect the norm in any sense. However, these situations are important to study because members of these shaming rituals clearly communicated their understandings of acceptable marital behaviors through the choice and timing of their actions.⁶⁰

It is relatively unsurprising that Virginia emerges as the state in which, out of the three studied, community actions appeared to play the most significant part in overall

⁵⁹ *Margaret Garrick v. William Garrick* (1858), OSH-WC (first quote); *Janett McDonald v. Charles McDonald* (1860), MIL-MC (second quote); *Rebecca Hanson v. Nicholi Hanson* (1853), DCTX-KC (third quote); *Sarah Goodman v. Robert Goodman* (1858), OSH-WC; *Louisa Burgess v. Andrew Burgess* (1858), WHS-DC.

⁶⁰ Cott, *Public Vows*, 37 (quote).

culture. The handful of historians who have studied these rituals of regulation have argued that extralegal measures sprung up as a partial response to an ineffective formal legal system. As this argument goes, individuals frustrated by or untrusting of the “law” would fashion their own law in order to address community problems. My disagreement with this interpretation lies in its oversimplification of local authority systems. In Virginia, as with other southern states, the local and formal law intertwined at their cores, as Laura Edwards finds for the Carolinas. Therefore, it is possible to contrast types of local authority, but it is impossible to extract local influence from southern legal practices. Virginians would not have seen community action or legal action as a choice between two radically different approaches. Other historians have argued that extralegal measures reflected the influence of southern honor as well as a regionally distinctive willingness to resort to violence to resolve conflicts. However, this study refutes these claims in that citizens in Texas, and Wisconsin in particular, demonstrated more reliance on violence as a means of communication. And, again, these actions were conservative in their aims, not hoping to unleash unregulated violence on a population.⁶¹

We will examine two categories of community censure: church-based and charavaris. It is an understatement of massive proportions to say that evangelical churches influenced the development of culture and society in the U.S. South. As such, churches were one of the few institutions granted the power to peer behind closed doors and to evaluate the private lives of parishioners. During disciplinary hearings, church members would be asked to place their behaviors in front of a “court of their peers.”

⁶¹ For studies that examine legal beliefs, see Michael Stephen Hindus, *Prison and Plantation: Crime, Justice, and Authority in Massachusetts and South Carolina, 1767-1878* (Chapel Hill: University of North Carolina Press, 1980). See also Laura Edwards, *The People and Their Peace*; Wyatt-Brown, *Southern Honor*.

Stephanie McCurry asserts that these courts provided one of the only effective checks against wife abuse as they “invoked the authority of one set of men” against another.⁶² As this study does not rely on evidence from church records, quite possibly a very rich source of information of marital conflicts, one example that was found within a personal papers collection will have to suffice. Robert Saunders, a Virginia resident, in a letter to his wife recalled how Richmond was abuzz with rumors following the death of the wife of John Caskie “formerly of Congress.” The streets were “ringing with accounts of his brutal treatment,” as she had died with “marks” on her body. Saunders did not attend the funeral, but he heard that the pastor made it quite clear that he “regarded the accounts as generally true.” During the sermon the pastor said that “he would say no more of the departed than that no friend of hers should do otherwise than rejoice that she was gone... and that he would not cover up or draw attention from the vices and wrongs of the living by a eulogy upon the dead.” As this brief anecdote demonstrates, church members and pastors in the South could use their considerable influence to shape supposedly private behaviors.⁶³

In addition, community intervention against cruel spouses could take the form of charivaris, or group-based shaming rituals. A charivari, also referred to as a skimmington or “rough music,” occurred when a number of community members gathered together to humiliate or conduct violence against another person with the goal of pressuring the deviant in question to conform to societal ideals of behavior. The occurrence of charivaris has a long history, stretching back to the colonial period in the U.S and far earlier in

⁶² McCurry, *Masters of Small Worlds*, 193 (quotes). For information on the influence of Texas evangelical churches in this period, see Nick Malavis, “Equality under the Lord’s Law: The Disciplinary Process in Texas Baptist Churches, 1833-1870,” *East Texas Historical Quarterly*, 31 (1993): 3-23.

⁶³ Robert Saunders Letters, 1829-1867, William and Mary Archives. The emphasis/underlining appears as it is found within the text.

European nations. Historians have described how Quakers and Puritans policed their societies by relying, in part, on such rituals. Brenda Stevenson notes, for the Quakers, “Neighborhood leaders assessed the situation, decided on a course of action, and then carried it out.” In the case of one man, “They dragged him out of bed, beat him severely, placed him in a shallow grave, and then proceeded to cover him up with wooden boards.” He later escaped, filed a suit for kidnapping and assault, but, unsurprisingly, no one appeared for him.⁶⁴ The pattern of these attacks changed very little over the next century or two. In the antebellum period the surprise assault followed by threats to leave town was still the preferred method. Group action required that many individuals acquired a shared base of information that they believed was correct and actionable. This information also had to elicit an emotional response, enough to justify a reaction beyond mediation or shaming. Newspaper articles were known to both announce the possibility of charivaris as well as to inspire them. For example, a small mention in the *Richmond Dispatch* that James Hamilton was convicted of beating his wife could have been enough to create a mob action had the Hamiltons not been free blacks. In 1858 the *Richmond Enquirer* related how a local man had killed his wife via poisoned lemonade. The paper also commented that the community has been stirred to “great excitement” by the crime and that “Lynch law will be put in execution.”⁶⁵

The targets of charivaris were generally so embarrassed by the experience that we have very few materials with which we can reconstruct their perspectives of the events. The 1857 account of R. D. Addington, which he published out of an effort to clear his

⁶⁴ Brenda Stevenson, *Life in Black and White: Family and Community in the Slave South* (New York: Oxford University Press, 1996), 31-32 (all quotes); Pleck, *Domestic Tyranny*, 33.

⁶⁵ *Richmond Dispatch*, 18 March 1858; *Richmond Enquirer*, 22 June 1858 (all quotes); *Eliza Ritenour v. Isaac Ritenour* (1852), LVA-Roc.

character, describes how a man could become the target of general community distaste. According to the work, Addington made an ill-match when he wed Hannah Weed, the daughter of a local family in severe financial constraints. Shortly after the marriage, Addington believed that the Weed family began to create schemes to swindle him out of his money. One of these schemes involved spreading a report that Addington had whipped his wife, forcing her to leave him and file for divorce. This information moved quickly throughout the community, and one night he returned to his office to find his door “daubed with gas-tar, and sprinkled with feathers.” A crowd gathered demanding his attention at which point he donned a bonnet and shawl and escaped out the back door. The local newspapers advertised that he should leave Richmond quickly or he would be wearing a suit of tar and feathers. Addington took refuge in Norfolk only to hear that a “storm is brewing” in the city to match the one in Richmond. Addington had to fly again. Addington’s experience relates to the argument of this chapter in that charivari participants followed the same questioning process as those involved in individual action. The group had to determine that a violation had taken place. Then, if enough people thought that they knew about the cruelties, the men and women involved would overrule any claims to privacy for the deviant in question and proceed as they desired. As such, Addington could not hide behind domestic privacy because the time for that plea passed when the newspapers became involved and transformed his marriage into a matter for public consumption. The local information networks described earlier in this chapter made sure that Addington could not escape this stigma even by removing to another city.

Although charivaris were rare, they symbolized the leverage of extreme force to counter what the community perceived as an extreme problem.⁶⁶

Finally, if individual and group-based interventions failed to successfully integrate the problem couple back into the community, then legal remedies were available as a last resort. Across all three states, it is vital to note that even legal authorities, such as magistrates or sheriffs, were not divorced from the earlier events described in this chapter. As individuals in communities, they were very much enmeshed in local systems of reporting and informal law. In fact, these same men might have attempted to mediate with the couple prior to being called to intervene as a representative of formal law. I refer to these interventions in masculine terms because formal legal authorities in antebellum America were men and not women. It appeared as if local magistrates spent a fair amount of their time gathering evidence for peace warrants against troubled men and women in the community. A peace warrant required that a person give a bond, generally a monetary guarantee, that they would no longer disturb the peace. A warrant could be requested by a wide variety of individuals, from the victimized spouse to a concerned neighbor. In addition, this legal restraint often accompanied a short period in the local jail for the abuser, depending on the perceived severity of cruelties. Although the warrant and the jail time were intended to provide a cooling down period for all involved, it often had the opposite effect of angering an already cruel spouse and then releasing them to the care of a surprised marital partner. Wives, in particular, complained that warrants were ineffective in the long term as cruel husbands would break these vows almost “right away.” Even if ineffectual, peace warrants served as a

⁶⁶ Addington, *History of Courtship and Marriage*, 1857, LVA, 77 (quote). For examples of Wisconsin community violence, see *Jane Simpson v. Walter Simpson* (1859), OSH-WC; *Laura Van Orden v. Cornelius Van Orden* (1848), WHS-WL.

representation that the domestic private peace and the public peace were indeed interconnected and that public officials not only could, but should, intervene to protect community well-being in situations of marital discord. As Laura Edwards contends, these warrants were attempts to limit the actions of husbands who had overstepped the proper boundaries of domestic authority, to the damage of society as a whole.⁶⁷ Virginians, in particular, appeared to gravitate toward peace warrants as legal solutions to domestic disputes. This makes sense considering the well-documented distaste of southerners for anything touching on formal legal action. Peace warrants allowed southern communities to place the pressure of a formal legal system to bear on an abuser while not acknowledging any outside control over local society itself.

In contrast, when Wisconsin residents invoked legal authorities, it was quite often out of an effort to press a criminal assault charge against a cruel wife or husband. As one newspaper put it, when a man or women made themselves “a dangerous member of society,” the onus was placed on their peers to curb the extent of the damage to social order. Therefore, unlike in southern communities, questions of honor were put aside and pragmatic concerns ruled the day. A justice of the peace for one county recalled how local citizens became so frustrated with a “notorious” wife beater that they seized him and turned him over to the “proper authority” to face criminal assault charges.⁶⁸ Although this study does not examine criminal assault records, these charges repeatedly appear in

⁶⁷ *Emmaline Craddock v. Hugh Craddock* (1862), LVA-Be (quote); Laura F. Edwards, “Law, Domestic Violence, and the Limits of Patriarchal Authority in the Antebellum South,” *Journal of Southern History*, 65 (Nov. 1999): 750-751; *Amanda Crow v. Samuel Crow* (1840), LVA-C; *Eliza Minnietree v. Archibald Minnietree* (1856), LVA-Ly.

⁶⁸ *Wisconsin Free Democrat*, 1851.03.05 (first quote); *M. Smith v. John Smith* (1858), Lafayette Co., WHS-WL (second and third quotes); Angela Boswell, “The Social Acceptability of Nineteenth-Century Domestic Violence,” in *The Southern Albatross: Race and Ethnicity in the American South*, ed. Philip D. Dillard and Randal Hall (Macon: Mercer University Press, 1999), 158.

divorce proceedings, generally as precursors to divorce. Within the accounts related to assault charges, Wisconsin citizens would assert that they felt obligated to escalate their interventions from mediation to formal legal measures. For example, after Horace Baggs repeatedly kicked and hit his wife, many members of the community filed formal complaints. One such man, Samuel Dunbar, recalled, “I felt it my duty to make the complaint. I have no ill feeling against Baggs.” To Samuel this was a matter of equal force for the sake of peace, and personality had nothing to do with it. From the records we can discern that settlers in the Midwest felt fewer qualms about turning to the limited local legal authorities in search of a solution to problem marriages in their communities. The citizens in Wisconsin tolerated near lethal levels of violence but drew the line at death, and this partially explains their willingness to charge cruel spouses with assault, as opposed to pursuing peace warrants.⁶⁹

Finally, when the avenues of community intervention outlined throughout this chapter failed to prove effective, an ultimate legal remedy appeared, the sundering of marriage ties as enacted through divorce. Men and women across all of the states within this study were hesitant to suggest divorce for others because they understood that it was an enormous social and legal undertaking. As one Virginia man stated, divorce amounted to “destroying the house.” The house metaphor is apt as divorce also rocked the very foundations of broader societal order, a phenomenon described by numerous historians. By the time that antebellum husbands and wives filed their petitions, they had advanced through a variety of interventions and arrived at the last possible option for a peaceable existence. Therefore, divorce records provide not only a window into the immediate

⁶⁹ *Sally Baggs v. Horace Baggs* (1854), WW-WC (quote).

events surrounding separation but a perspective on broader community understandings of marital breakdown and conflict.⁷⁰

This dissertation has sought to explore understandings of marital cruelty in the antebellum U.S., and this final chapter moves the discussion from perception to action as it examines the reactions of community members who encountered situations of spousal discord in their everyday lives. Going back to the opening story, this chapter has asked, what did Catharine do when faced with Mary's domestic crisis? By reaching out to this other woman, Mary plunged Catharine into a series of moral decisions that would peak with her eventually physically confronting the abuser in question. Placing Catharine in context alongside other community members reveals that her actions were critical, but not singular, interventions into Mary's troubled marriage. The community would step in numerous times to cajole, pressure, and eventually force, via divorce, the Grinnins to conform to proper, and peaceful, marital practices. This chapter contends that at every step of this process, the involvement of third parties in situations of marital cruelty was shaped by their understandings of proper domestic relations as well as their beliefs in domestic privacy. Outsiders first assessed whether or not cruelties were indeed taking place, a process fed by ideas of cruelty explored in earlier chapters. Then, they determined whether or not intervention was warranted and what form it needed to take.⁷¹

Employing a comparative approach and expanding on Christine Stansell's argument about the interrelationship of custom and intervention reveals that regional

⁷⁰ *Elizabeth Jackson v. John Jackson* (1848), LVA-F (quote). Community members could support a husband or wife's petition for divorce by creating a memorial relating the couples inability to cohabit peacefully, examples include, *Seth Marquisee* (1845), Racine Co., WHS-WL; *Olympia Blood* (1841), King William Co., LVA-VL. Historians who study divorce include, Basch, *Framing American Divorce*; Peter Bardaglio, *Reconstructing the Household: Families, Sex, and the Law in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 1995).

⁷¹ *Mary Grinnin v. Michael Grinnin* (1847), PLAT-GC.

location affected the ways in which community members addressed the series of moral choices presented to them by situations of cruelty. In Virginia, well-established local reporting networks facilitated a belief that private matters were legitimate fodder for public discussion. Virginians then pursued intervention strategies tailored to result in domestic peace without the risk of physical harm to the outsider. Emphasizing consistency over aggressiveness, Virginia's third parties would attempt mediation and shaming, only resorting to physical action as a last resort when faced with the most egregious cruelties. This leads to the conclusion that southerners did not view "violence as unavoidable" but instead condoned only certain categories of violence, such as those practiced on slaves, while increasingly regulating others. In fact, as one studies the actions of community members, it becomes evident that they sought to prevent, and avoid, violence every step of the way. On the other hand, interventions in Texas were characterized more by spontaneity than by careful planning over the long term. Outsiders did not have the opportunity to gather information over time and instead acted on spur-of-the-moment emotion and evidence. Broad based community action was almost nonexistent, with interventions taking place on an individual basis. The behaviors of Texans reflected life in a hybrid southern frontier society. They surely would have fallen into a pattern similar to Virginia had they possessed the legal or community structures to do so. Texans were caught in a veritable limbo, wanting to mediate but instead looking to violent methods of intervention because they did not have the local support required to make non-aggressive approaches successful.

In contrast, individuals living in Wisconsin were characterized by a willingness to engage aggressively in the policing of domestic disputes. Acting without the benefit of a

well-established rumor network, Wisconsin citizens tended to attempt only limited mediation until the cruelties in question reached a level approaching lethality. When that threshold was reached, third parties of both genders would use violence as a tool with which to reestablish local peace. Countering physical force with physical force, their actions betrayed the impossibility of looking to formal, or even local, legal cultures for assistance. These men and women went into domestic frays as individuals but hoped to construct communities based on protest against lethal violence in the process. It can be concluded, therefore, that the proximity to frontier conditions influenced the pattern of interference adopted by third parties. Men and women in long established communities, such as Virginia, had numerous local resources to draw upon which, in turn, pushed them towards nonviolent solutions. In contrast, men and women on the frontier grappled with limited avenues for outside assistance and, as a result, emphasized violent solutions to violent problems.

Tracing community interventions in cruel marriages across three states significantly enhances our understandings of violence, region, and the family. In the South we learn that violence was increasingly only sanctioned against certain bodies, slaves, but elaborate protective processes were in place if conflict erupted in white marriages. In frontier areas, physical force ruled the day; however, citizens refused to treat cruelties as acceptable and struggled to establish new norms forged through violent responses. Furthermore, this study shows that the uncertainties regarding the public/private nature of marriage that currently plague modern-day efforts to intervene in situations of domestic violence possess a long history. Cruel partners across all three states repeatedly emphasized the sanctity of the domestic realm in order to prevent

community action. And, men and women routinely put aside these warnings, intervened, and in the process constructed new marital ideals from the ashes of conflict.

CONCLUSION

Antebellum moralist Virginia Cary once mused, “Conjugal love is too delicate in its texture, not to undergo a thousand violences.” Through an examination of over one thousand nineteenth-century divorce cases, this work has shown that Cary possibly underestimated the vast array of tensions that could creep into romantic relationships. Although the majority of men and women entered into unions with expectations of permanence, marital failure was an ever-present phenomenon in antebellum society. To put it simply, marriage was changing in the 1840s and 1850s. With coverture waning in influence, a new set of companionate ideals emerged to take its place. Historians continue to actively debate the extent to which patriarchal or romantic norms held sway in the decades leading up to the Civil War. By examining troubled relationships, this dissertation finds that antebellum men and women described the ideal marriage as one in which both spouses worked together as a balanced, productive unit. While they surely desired love, duty was what mattered. This work, therefore, moves our discussion of nineteenth-century marriage away from supposed ideals and into the realm of day-to-day practices and beliefs.¹

¹ For the Cary quote, see Steven M. Stowe, *Intimacy and Power in the Old South: Ritual in the Lives of Planters* (Baltimore: Johns Hopkins University Press, 2004), 128 (quote). For information on the transformations of marriage and duty/emotion debates, see Hendrik Hartog, *Man and Wife in America: A History* (Cambridge: Harvard University Press, 2000); Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999); Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2001). John Mack Faragher, *Women and Men on the Overland Trail* (New Haven: Yale University Press, 1979), 147-148; Dawn Keetley, “From Anger to Jealousy: Explaining Domestic Homicide in Antebellum America,” *Journal of Social History*, 42 (Winter 2008): 269-297; Robert Griswold, *Family and Divorce in California, 1850-1890* (Albany: State University of New York, 1982); Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1985); Anya Jabour, *Marriage in the Early Republic: Elizabeth and William Wirt and the Companionate Ideal* (Baltimore: Johns Hopkins University Press, 1998); Reva Siegel, “The Rule of

Moreover, as this study reveals, many unions were characterized by perpetual power struggles and open discord. Focusing on those moments in which private conflicts spilled out into public legal arenas, this dissertation examines how average men and women perceived and defined marital cruelty. It asks: Where did they draw the line between unacceptable and acceptable conjugal behaviors? And, it contends that cruelty was borne out of those relationships in which one or both partners failed to live up to the precepts of marital productivity. Husbands and wives also employed cruelty and violence in an effort to push their spouses back into traditional gender roles. An analysis of domestic violence always tends to emphasize continuity over change or difference, but this study addresses that dilemma by investigating how understandings of conjugal conflict were shaped and influenced by regional and local concerns.

Across the three states, the presence of marital cruelty directly correlated with the degree of gender role confusion experienced by the citizens of the area. Simply put, when men and women were unsure about what exactly their domestic roles entailed, this uncertainty prompted anxieties which, in turn, led to escalated violence. For this reason, Wisconsin husbands and wives were the most likely to commit near lethal cruelties in marriage. Without a guiding set of gender norms to cling to, midwestern husbands attempted to violently impose traditional understandings of marital roles upon their wives. Not to be outdone, Wisconsin women used cruelty to assert their bodily rights within unions. Southerners, too, understood marital cruelty to be connected with marital management. However, they were principally concerned with the relationships between

Love”: Wife Beating as Prerogative and Privacy,” *The Yale Law Journal*, 105 (June 1996): 2144-2145; Hendrik Hartog, “Lawyering, Husbands’ Rights, and the “Unwritten Law” in Nineteenth-Century America,” *Journal of American History*, 84 (June 1997): 67-96.

abuse, chastisement, honor, and mastery. Virginians, in particular, sought to refine the practice of mastery so as to present the image of a benevolent South. Within a southern context, cruelty occurred if one spouse attempted to practice inappropriate mastery over the other. By arguing that Virginians carefully regulated and policed the practice of violence, this dissertation directly challenges the stereotype of southern bloodthirstiness.²

It also illuminates local legal practices and the ways in which antebellum community courtrooms existed as forums for extended dramas that were not only reflective but constitutive in relation to the developments of higher courts. In original jurisdiction cases local men and women served as judges, jurors, witnesses, litigants, and audience members. Characterized by broad-based community participation, these proceedings demonstrate the degree to which local and formal law were often one and the same. Moreover, divorce records from this period reveal that local consumers of the law were perfectly capable of articulating quite sophisticated definitions of where exactly to draw the line separating cruelty from insensitivity or abrasiveness, for example. They meted out community justice based on local knowledge, thus providing historians with detailed descriptions of commonly held values and beliefs.³

Court records also document the gradual erosion of domestic privacy in antebellum society. The pursuit of a divorce in nineteenth-century America required a

² For information on the relationship between southern honor and violence, see Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982); Dickson D. Bruce, Jr., *Violence and Culture in the Antebellum South* (Austin: University of Texas Press, 1979); Richard Nisbett and Dov Cohen, *Culture of Honor: The Psychology of Violence in the South* (New York: Oxford University Press, 1996).

³ The best analysis of formal versus localized law is found within, Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009). For additional discussions on court records, see also Nancy F. Cott, "Eighteenth-Century Family and Social Life Revealed in Massachusetts Divorce Records," *Journal of Social History*, 10 (Autumn, 1976): 20-43; Basch, *Framing American Divorce*; Thomas E. Buckley, *The Great Catastrophe of My Life: Divorce in the Old Dominion* (Chapel Hill: University of North Carolina Press, 2002), 5-6.

person to place the entire contents of their private life on public display. In addition, the legal separation process made previously unmentionable subjects, such as the details of a woman's figure, not only sanctioned but encouraged topics of public conversation. As historian E. Anthony Rotundo describes, "the emergence of the human body as a focus of special attention" did not occur until "the early nineteenth century." Discussions of marital cruelty fed off of, and were shaped by, changing understandings of the human form. Male bodies appeared particularly susceptible to beastly emotions whereas female bodies bordered on the ridiculously fragile. As such, society admonished men to control their baser instincts and women to protect their limited productive potential.⁴

The rise of antebellum humanitarian reform movements had the effect of focusing additional attention on the body while also encouraging an active dialogue on the role of pain. In a departure from earlier eras, by the mid-nineteenth-century men and women began to differentiate between varying types of pain. Reformists directed their energies towards those individuals who they viewed as practicing cruelty, otherwise known as "the needless and deliberate infliction of pain." Slaveholders, in particular, came under scrutiny for behaving cruelly and spreading "moral contamination." As a result, southern patriarchs began to actively regulate the practice of cruelty, and even chastisement, when directed towards certain bodies, i.e. white women. They needed these women to remain intact and to serve as clear symbols of southern benevolent mastery. It is important to note, however, that the cruelties directed at other southern bodies, i.e. enslaved men and

⁴ E. Anthony Rotundo, "Learning about Manhood: Gender Ideals and the Middle-Class Family in Nineteenth-Century America," in *Manliness and Morality: Middle-Class Masculinity in Britain and America, 1800-1940*, ed. J.A. Mangan and James Walvin (New York: St. Martin's Press, 1987), 47 (quote). Men, as the primary perpetrators, bore the brunt of societal pressures to reform. As Norma Basch has stated, "While part of the solution lay in reforming the law, the balance lay in reforming men...." See, Basch, *Framing American Divorce*, 77.

women, remained relatively unchanged. Women's rights reformers also seized upon the idea of pain as a vehicle through which to push for expanded bodily rights for wives. They argued, with limited success, that a wide variety of harmful sexual practices constituted divorceable wrongs. The story of marital cruelty is, necessarily, a tale emphasizing the limits of human depravity. In antebellum society, divorce was a failure and cruelty even more so. However, in the end, it is useful to remember that men and women pursued separations hoping to perfect, not destroy, the marital script.⁵

⁵ Margaret Abruzzo, *Polemical Pain: Slavery, Cruelty, and the Rise of Humanitarianism* (Baltimore: Johns Hopkins University Press, 2011), 6 (first quote), 92 (second quote). For additional discussions about pain and reform, see Myra C. Glenn, *Campaigns against Corporal Punishment: Prisoners, Sailors, Women, and Children in Antebellum America* (Albany: State University of New York Press, 1984); Martin S. Pernick, *A Calculus of Suffering: Pain, Professionalism, and Anesthesia in Nineteenth-Century America* (New York: Columbia University, 1985); Elizabeth B. Clark, "'The Sacred Rights of the Weak': Pain, Sympathy, and the Culture of Individual Rights in Antebellum America," *Journal of American History*, 82 (Sept. 1995): 463-493. As such, it can be astutely argued that the 'discovery' of domestic violence in America occurred in the 1850s, not the 1960s.

NOTE ON SOURCES AND METHODOLOGY

Original jurisdiction divorce court cases constitute the primary source base for this study. Cases were gathered by visiting local archives as well as contacting court clerks. The research net included all counties formed up until 1860 (and no counties that would later become West Virginia). Across all three states, only divorce proceedings in which cruelty was claimed were included within the study. In addition, only those marriages which were formed prior to 1860 were used, although the time of case filing was opened at 1840 and cut off at 1865. Out of this information, a records database was constructed that included all extant cruelty cases that were available to scholars at the time that the research for this dissertation was completed. In total, this database contains 1,541 total cases covering 145 counties across Virginia, Texas, and Wisconsin. The case division is as follows: 358 for Texas, 742 for Wisconsin, and 351 for Virginia. The county division is as follows: 34 Texas counties, 36 Wisconsin counties, and 75 Virginia counties.

Local court documents have traditionally been an underused source by historians, and this dissertation attempts to show the versatility and significance of these records. In a fashion similar to Norma Basch's *Framing American Divorce*, this work chooses to highlight the practices of the courts of original jurisdiction, eschewing an analysis of higher court or appellate rulings. The cases in the database generally come from the district courts of Texas, the circuit and district courts of Wisconsin, and the circuit and

chancery courts of Virginia. Legislative petitions from all three states are included in the database as well and are accounted for in the numbers provided above.¹

While it is my contention that cruelty cases from the antebellum period exist as “potentially revealing cultural texts,” they do limit one’s ability to conduct class, racial, and ethnic analyses. When the records suggest an individual’s class affiliation, either through a litigant’s self-identification or as evident via attached property proceedings, this study uses that information. In the same fashion, this work explores ethnicity when the records provide an entry point into that conversation. Racial analysis, as well, represents an important component of this work. However, as slave marriage was not legally recognized in the South, this study is unable to explore the internal dynamics of those relationships.²

The appearance and completeness of the court records vary a great deal depending on the “nature of the case and the preservation status of the documents.” At the conclusion of a case, the court clerk would generally roll up all of the related papers into a bundle and place it into a records cabinet. Within these bundles, the civil case papers are the most useful for modern researchers. They might contain petitions and bills, answers, depositions, and various administrative notices. In some, but not all, of the cases the conclusion/verdict was noted in a formal document, but a researcher is more likely to find a single line verdict scrawled on the exterior of the roll itself. Each proceeding varies in substance and range of commentary with some only showing a single line of complaint

¹ Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999), 194n8; James W. Ely, Jr. and David Bodenhamer, “Regionalism and the Legal History of the South,” in *Ambivalent Legacy: A Legal History of the South*, ed. David Bodenhamer and James W. Ely, Jr. (Jackson: University Press of Mississippi, 1984): 3-29.

² Martin J. Wiener, *Men of Blood: Violence, Manliness, and Criminal Justice in Victorian England* (Cambridge: Cambridge University Press, 2004), 7 (quote).

while others take up hundreds of pages and were split into multiple rolls. As this study is more interested in the extended conversations found within the records, it makes only a minimal use of minute and judgment books as the commentaries contained therein are usually not substantive. Due to theft, time, and varying preservation practices, the records on the whole do not reflect a complete case catalogue. Therefore, this dissertation chooses to refrain from attempting a statistical or quantitative analysis of cruelty or divorce, believing that the final product would not reflect an accurate portrayal of historical circumstances.³

Questions of accuracy have always plagued historians who work with legal documents. The reliability of divorce cases, in particular, has been subject of intense questioning by scholars. This dissertation, following in the path of Nancy Cott, Thomas Buckley, and others, acknowledges the framed nature of these documents while also asserting that the comments contained therein provide invaluable portrayals of antebellum life. After all, litigants needed to present believable accounts of events in order to receive favorable verdicts. While an individual could choose to waive the right to a jury trial, the majority of men and women counted upon the local knowledge of their peers to ensure a forthright proceeding.⁴

³ Francelle L. Blum, "When Marriages Fail: Divorce in Nineteenth-Century Texas," (PhD diss., Rice University, 2008), 295 (quote). When discussing antebellum North and South Carolina divorce cases, Laura Edwards states that the incompleteness of the records makes "quantitative analyses of the remaining material pointless." According to Edwards, "volume is crucial" when working with legal materials. She continues, "With thousands of cases...the information accumulates and forms patterns." See, Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009), 23-24. See also, Ruth Bloch, "The American Revolution, Wife Beating, and the Emergent Value of Privacy," *Early American Studies*, 5 (Fall 2007): 229.

⁴ Nancy F. Cott, "Eighteenth-Century Family and Social Life Revealed in Massachusetts Divorce Records," *Journal of Social History*, 10 (Autumn, 1976): 20-43; Thomas E. Buckley, *The Great Catastrophe of My Life: Divorce in the Old Dominion* (Chapel Hill: University of North Carolina Press, 2002); David Peterson del Mar, *What Trouble I Have Seen: A History of Violence Against Wives*

In addition to court cases, this study also references a variety of personal documents and public writings from the antebellum period. Because domestic violence was a generally hidden subject, these sources were gathered by visiting various scholarly repositories and surveying the available personal materials from the period. This research approach resulted in the discovery of a substantial amount of documents chronicling abuse from non-legal perspectives. Diaries, letters, memoirs, newspapers, church disciplinary records, and moral/religious tracts were drawn upon in the creation of this dissertation. In the end, the hope is that these sources will, in the words of one prominent frontier historian, “provide systematic information about the behavioral regularities of daily life as well as insight into popular values and beliefs,” in antebellum America.⁵

(Cambridge: Harvard University Press, 1996), 2; Ariela J. Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Athens: University of Georgia Press, 2000), 40.

⁵ John Mack Faragher, *Women and Men on the Overland Trail* (New Haven: Yale University Press, 1979), 3 (quote).

BIBLIOGRAPHY

ARCHIVAL LEGAL SOURCES

TEXAS

Archives and Information Services Division. Texas State Library and Archives Commission. Austin, Texas.

Texas Legislature, Memorials and Petitions. (TSLAC-TL)

Texas Supreme Court, Case Files. (TSLAC-SC)

Dallas Public Library. Dallas, Texas.

District Court Civil Case Papers, Dallas County. Microfilm. (DPL-DC)

East Texas Research Center. Ralph W. Steen Library. Stephen F. Austin University. Nacogdoches, Texas.

District Court Civil Case Papers, San Augustine County. (ETRC-SAC)

Office of the District Clerk. Anderson County Courthouse. Palestine, Texas.

District Court Civil Case Papers, Anderson County. Microfilm. (DCTX-AC)

Office of the District Clerk. Austin County Courthouse. La Grange, Texas.

District Court Civil Case Papers, Austin County. Microfilm. (DCTX-AuC)

Office of the District Clerk. Bell County Courthouse. Belton, Texas.

District Court Civil Case Papers, Bell County. Microfilm. (DCTX-BC)

Office of the District Clerk. Burnet County Courthouse. Burnet, Texas.

District Court Civil Case Papers, Burnet County. Microfilm. (DCTX-BuC)

Office of the District Clerk. Caldwell County Courthouse. Lockhart, Texas.

District Court Civil Case Papers, Caldwell County. Microfilm. (DCTX-CC)

Office of the District Clerk. Collin County Courthouse. McKinney, Texas.

District Court Civil Case Papers, Collin County. Microfilm. (DCTX-CoC)

Office of the District Clerk. Colorado County Courthouse. Columbus, Texas.

District Court Civil Case Papers, Colorado County. Microfilm. (DCTX-ColC)

Office of the District Clerk. Comal County Courthouse. New Braunfels, Texas.

District Court Civil Case Papers, Comal County. Microfilm. (DCTX-ComC)

Office of the District Clerk. Cooke County Courthouse. Gainesville, Texas.

District Court Civil Case Papers, Cooke County. Microfilm. (DCTX-CooC)

- Office of the District Clerk. Ellis County Courthouse. Waxahachie, Texas.
District Court Civil Case Papers, Ellis County. Microfilm. (DCTX-EC)
- Office of the District Clerk. Fayette County Courthouse. La Grange, Texas.
District Court Civil Case Papers, Fayette County. Microfilm. (DCTX-FC)
- Office of the District Clerk. Gillespie County Courthouse. Fredericksburg, Texas.
District Court Civil Case Papers, Gillespie County. Microfilm. (DCTX-GC)
- Office of the District Clerk. Gonzales County Courthouse. Gonzales, Texas.
District Court Civil Case Papers, Gonzales County. Microfilm. (DCTX-GoC)
- Office of the District Clerk. Guadalupe County Courthouse. Seguin, Texas.
District Court Civil Case Papers, Guadalupe County. Microfilm. (DCTX-GuC)
- Office of the District Clerk. Harrison County Courthouse. Marshall, Texas.
District Court Civil Case Papers, Harrison County. Microfilm. (DCTX-HC)
- Office of the District Clerk. Johnson County Courthouse. Cleburne, Texas.
District Court Civil Case Papers, Johnson County. Microfilm. (DCTX-JC)
- Office of the District Clerk. Kaufman County Courthouse. Kaufman, Texas.
District Court Civil Case Papers, Kaufman County. Microfilm. (DCTX-KC)
- Office of the District Clerk. Lavaca County Courthouse. Hallettsville, Texas.
District Court Civil Case Papers, Lavaca County. (DCTX-LC)
- Office of the District Clerk. Marion County Courthouse. Jefferson, Texas.
District Court Civil Case Papers, Marion County. Microfilm. (DCTX-MC)
- Office of the District Clerk. Nacogdoches County Courthouse. Nacogdoches, Texas.
District Court Civil Case Papers, Nacogdoches County. (DCTX-NC)
- Office of the District Clerk. Smith County Courthouse. Tyler, Texas.
District Court Civil Case Papers, Smith County. Microfilm. (DCTX-SC)
- Office of the District Clerk. Travis County Courthouse. Austin, Texas.
District Court Civil Case Papers, Travis County. (DCTX-TC)
- Office of the District Clerk. Washington County Courthouse. Brenham, Texas.
District Court Civil Case Papers, Washington County. Microfilm. (DCTX-WC)
- Office of the District Clerk. Williamson County Courthouse. Georgetown, Texas.
District Court Civil Case Papers, Williamson County. Microfilm. (DCTX-WiC)

Sam Houston Regional Library & Research Center. Liberty, Texas.
 District Court Civil Case Papers, Jasper County. (SHRL-JC)

District Court Civil Case Papers, Jefferson County. (SHRL-JeC)
 District Court Civil Case Papers, Orange County. (SHRL-OC)

Victoria Regional History Center. Victoria College/University of Houston-Victoria.
 Victoria, Texas.

District Court Civil Case Papers, Jackson County. (VRHC-JC)
 District Court Civil Case Papers, Victoria County. (VRHC-VC)

VIRGINIA

Library of Virginia, Richmond, Virginia

Chancery Causes, Albemarle County. (LVA-A)
 Chancery Causes, Allegheny County. (LVA-Al)
 Chancery Causes, Amelia County. (LVA-Am)
 Chancery Causes, Arlington County. (LVA-Ar)
 Chancery Causes, Bath County. (LVA-B)
 Chancery Causes, Bedford County. (LVA-Be)
 Chancery Causes, Botetourt County. (LVA-Bo)
 Chancery Causes, Brunswick County. (LVA-Br)
 Chancery Causes, Campbell County. (LVA-C)
 Chancery Causes, Chesterfield County. (LVA-Ch)
 Chancery Causes, Cumberland County. (LVA-Cu)
 Chancery Causes, Essex County. (LVA-E)
 Chancery Causes, Fauquier County. (LVA-F)
 Chancery Causes, Floyd County. (LVA-Fl)
 Chancery Causes, Franklin County. (LVA-Fr)
 Chancery Causes, Frederick County. (LVA-Fre)
 Chancery Causes, Greene County. (LVA-G)
 Chancery Causes, Hanover County. (LVA-H)
 Chancery Causes, Henry County. (LVA-He)
 Chancery Causes, Isle of Wight County. (LVA-I)
 Chancery Causes, King George County. (LVA-K)
 Chancery Causes, Lancaster County. (LVA-L)
 Chancery Causes, Louisa County. (LVA-Lo)
 Chancery Causes, Lunenburg County. (LVA-Lu)
 Chancery Causes, Lynchburg City. (LVA-Ly)
 Chancery Causes, Mecklenburg County. (LVA-Me)
 Chancery Causes, Nansemond County. (LVA-N)
 Chancery Causes, New Kent County. (LVA-Ne)
 Chancery Causes, Norfolk County. (LVA-No)
 Chancery Causes, Orange County. (LVA-O)
 Chancery Causes, Page County. (LVA-P)
 Chancery Causes, Portsmouth City. (LVA-Po)

Chancery Causes, Prince Edward County. (LVA-Pr)
 Chancery Causes, Princess Anne County. (LVA-Pri)
 Chancery Causes, Rappahannock County. (LVA-R)
 Chancery Causes, Richmond County. (LVA-Ri)
 Chancery Causes, Rockbridge County. (LVA-Ro)
 Chancery Causes, Rockingham County. (LVA-Roc)
 Chancery Causes, Shenandoah County. (LVA-S)
 Chancery Causes, Smyth County. (LVA-Sm)
 Chancery Causes, Southampton County. (LVA-So)
 Chancery Causes, Tazewell County. (LVA-T)
 Chancery Causes, Warren County. (LVA-W)
 Chancery Causes, Washington County. (LVA-Wa)
 Chancery Causes, Wise County. (LVA-Wi)
 Legislative Petitions, Virginia Legislature. Microfilm. (LVA-VL)

Office of the Circuit Court Clerk. Culpeper County Courthouse. Culpeper, Virginia.
 Chancery Causes, Culpeper County. (CCVA-CC)

Office of the Circuit Court Clerk. Halifax County Courthouse. Halifax, Virginia.
 Chancery Causes, Halifax County. (CCVA-HC)

Office of the Circuit Court Clerk. Loudoun County Courthouse. Leesburg, Virginia.
 Chancery Causes, Loudoun County. (CCVA-LC)

Office of the Circuit Court Clerk. Montgomery County Courthouse. Christiansburg,
 Virginia.
 Chancery Causes, Montgomery County. (CCVA-MC)

Office of the Circuit Court Clerk. Pittsylvania County Courthouse. Chatham, Virginia.
 Chancery Causes, Pittsylvania County. (CCVA-PC)

WISCONSIN

Archives and Area Research Center. Forrest R. Polk Library. University of Wisconsin-
 Oshkosh. Oshkosh, Wisconsin.
 Circuit Court Case Files, Winnebago County. (OSH-WC)

Area Research Center and Southwest Wisconsin Room. Karrmann Library. University of
 Wisconsin-Platteville. Platteville, Wisconsin.
 Circuit Court and County Court Case Files, Iowa County. (PLAT-IC)
 Circuit Court Case Files, Lafayette County. (PLAT-LC)
 Circuit Court Civil Case Files, Grant County. (PLAT-GC)
 Civil and Criminal Case Files, Green County. (PLAT-GnC)

Area Research Center. Chalmer Davee Library. University of Wisconsin-River Falls.
 River Falls, Wisconsin.

Circuit Court Criminal and Civil Case Files, Saint Croix County. (RF-SCC)

Area Research Center. Harold Anderson Library. University of Wisconsin-Whitewater. Whitewater, Wisconsin.

Circuit Court Case Files, Walworth County. (WW-WC)

Circuit Court Civil Case Files, Rock County. (WW-RC)

Area Research Center. Library Learning Center. University of Wisconsin-Stout. Menomonie, Wisconsin.

Circuit Court Case Files, Dunn County. (STO-DC)

Circuit Court Civil and Criminal Case Files, Pepin County. (STO-PC)

Area Research Center. Superior Public Library. Superior, Wisconsin.

Circuit Court Civil Case Files, Douglas County. (SUP-DC)

Harry H. Anderson Research Library. Milwaukee County Historical Society. Milwaukee, Wisconsin.

Circuit Court Civil Case Papers, Milwaukee County. (MIL-MC)

Library-Archive. Wisconsin Historical Society. Madison, Wisconsin.

Circuit Court Case Files, Crawford County. (WHS-CC)

Circuit Court Case Files, Fond du Lac County. (WHS-FLC)

Circuit Court Case Files, Kenosha County. (WHS-KC)

Circuit Court Case Files, Racine County. (WHS-RC)

Circuit Court Case Files, Waupaca County. (WHS-WC)

Circuit Court Civil Case Files, Dane County. Microfilm. (WHS-DC)

Memorials and Petitions, Wisconsin Legislature. (WHS-WL)

Office of the Circuit Court Clerk. Buffalo County Courthouse. Alma, Wisconsin.

Circuit Court Civil Case Papers, Buffalo County. (CCWI-BC)

Office of the Circuit Court Clerk. Richland County Courthouse. Richland, Wisconsin.

Circuit Court Civil Case Papers, Richland County. (CCWI-RC)

Special Collections and Area Research Center. Cofrin Library. University of Wisconsin-Green Bay. Green Bay, Wisconsin.

Circuit Court Case Files, Brown County. (GB-BC)

Circuit Court Civil and Criminal Case Files, Manitowoc County. (GB-MC)

Circuit Court Civil and Criminal Case Files, Oconto County. (GB-OC)

Circuit Court Civil Case Files, Kewaunee County. (GB-KC)

Circuit Court Civil Case Files, Outagamie County. (GB-OuC)

Special Collections and Area Research Center. Murphy Library Resource Center. University of Wisconsin-La Crosse. La Crosse, Wisconsin.

Circuit Court Civil Case Files, Monroe County. (LC-MC)

Special Collections and Area Research Center. William D. McIntyre Library. University of Wisconsin-Eau Claire. Eau Claire, Wisconsin.

Circuit Court Case Files, Chippewa County. (EC-CC)

Circuit Court Case Files, Eau Claire County. (EC-EC)

University Archives and Area Research Center. James H. Albertson Library. University of Wisconsin-Stevens Point. Stevens Point, Wisconsin.

Circuit Court Case Files, Marathon County. (SP-MC)

Circuit Court Civil Case Files, Portage County. (SP-PC)

ARCHIVAL MANUSCRIPT SOURCES

Albert H. Small Special Collections Library. University of Virginia. Charlottesville, Virginia. (UVA)

Carpenter and White Families Papers, 1836-1965.

William Matthews Blackford Diaries, 1849-1864.

Dolph Briscoe Center for American History. University of Texas at Austin. Austin, Texas. (CAH)

Jonathan Hamilton Baker Papers, 1858-1932.

Earl Gregg Swem Library. College of William and Mary. Williamsburg, Virginia. (WMC)

Fletcher Papers, 1848-1850.

Library and Archives. Virginia Historical Society. Richmond, Virginia. (VHS)

Holladay Family Papers, 1753-1961.

Spragins Family Papers, 1809-1967.

PERIODICALS

Clarksville (Texas) Standard

The Daily Milwaukee News

Dallas Herald

Matagorda Gazette

Richmond Dispatch

Richmond Enquirer

PUBLISHED PRIMARY SOURCES

Acts Passed at a General Assembly of the Commonwealth of Virginia [Acts of Virginia], 1826, 1840-1841, 1847-1848, 1852-1853.

Alcott, William Alcott. *The Young Husband; or, Duties of Man in the Marriage Relation.* Boston: C. D. Strong, 1851.

Andrew, James O. *Family Government, Or Treatise on Conjugal, Parental, Filial, and Other Duties*. Richmond: John Early, 1848.

Bishop, Joel Prentiss. *New Commentaries on Marriage, Divorce, and Separation as to the Law, Evidence, Pleading, Practice, Forms, and the Evidence of Marriage in All Issues on a New System of Legal Exposition, Vol. 1*. Chicago, 1891.

Coker, Caleb, ed. *The News from Brownsville: Helen Chapman's Letters from the Texas Military Frontier*. Austin: Texas State Historical Association, 1992.

Drake, Daniel. *A Discourse on Intemperance: Delivered at Cincinnati, March 1, 1828*. Cincinnati: Looker & Reynolds Printers, 1828.

Gammel, H. P. N., comp., *Laws of Texas, 1822-1897*. 10 volumes. Austin, 1898-1902.

Miller, James. *Alcohol and Tobacco: Its Place and Power*. Philadelphia: Lindsay & Blakiston, 1859.

Morris, Robert. *Courtship and Matrimony*. Philadelphia: T. B. Peterson, 1858.

Rush, Benjamin. *An Inquiry into the Effects of Ardent Spirits upon the Human Body and Mind, With an Account of the Means of Preventing, and of the Remedies for Curing Them*. Brookfield: E. Merriam & Co., 1814.

Statutes of the Territory of Wisconsin, 1838-1839, 1849.

Texas Reports

Weems, M. L. *The Drunkard's Looking Glass, Reflecting A Faithful Likeness of the Drunkard....*1818.

The Young Wife's Book: A Manual of Moral, Religious, and Domestic Duties. Philadelphia: Carey, Lee, and Blanchard, 1838.

SECONDARY SOURCES

Abruzzo, Margaret. *Polemical Pain: Slavery, Cruelty, and the Rise of Humanitarianism*. Baltimore: Johns Hopkins University Press, 2011.

Adler, Jeffrey S. *First in Violence, Deepest in Dirt: Homicide in Chicago, 1875-1920*. Cambridge: Harvard University Press, 2006.

Anderson, Lars, and Peter Trudgill. *Bad Language*. Cambridge: Basil Blackwell, 1990.

Ayers, Edward. *Vengeance and Justice: Crime and Punishment in the 19th-Century American South*. New York: Oxford University Press, 1984.

- Bardaglio, Peter. *Reconstructing the Household: Families, Sex, and the Law in the Nineteenth-Century South*. Chapel Hill: University of North Carolina Press, 1995.
- Barker-Benfield, G. J. *The Horrors of the Half-Known Life: Male Attitudes toward Women and Sexuality in Nineteenth-Century America*. New York: Routledge, 2000.
- Basch, Norma. *Framing American Divorce: From the Revolutionary Generation to the Victorians*. Berkeley: University of California Press, 1999.
- Bernard, Richard. *The Melting Pot and the Altar: Marital Assimilation in Early Twentieth-Century Wisconsin*. Minneapolis: University of Minnesota Press, 1980.
- Biggs, John M. *The Concept of Matrimonial Cruelty*. London: Athlone Press, 1962.
- Billingsley, Carolyn Earle. *Communities of Kinship: Antebellum Planters and the Settlement of the Cotton Frontier*. Athens: University of Georgia Press, 2004.
- Blake, Nelson Manfred. *The Road To Reno: A History of Divorce in the United States*. New York: Macmillan Company, 1962.
- Bloch, Ruth. "The American Revolution, Wife Beating, and the Emergent Value of Privacy." *Early American Studies* 5 (Fall 2007): 223-251.
- Blum, Francelle L. "When Marriages Fail: Divorce in Nineteenth-Century Texas." PhD diss., Rice University, 2008.
- Boswell, Angela. *Her Act and Deed: Women's Lives in a Rural Southern County, 1837-1873*. College Station: Texas A&M University Press, 2001.
- . "The Social Acceptability of Nineteenth-Century Domestic Violence." In *The Southern Albatross: Race and Ethnicity in the American South*, ed. Philip D. Dillard and Randal Hall, 139-162. Macon: Mercer University Press, 1999.
- Bowler, Clara Ann. "Carted Whores and White Shrouded Apologies: Slander in the County Courts of Seventeenth-Century Virginia." *Virginia Magazine of History and Biography* 85 (Oct., 1977): 411-426.
- Brandt, Allan M. *No Magic Bullet: A Social History of Venereal Disease in the United States Since 1880*. New York: Oxford University Press, 1985.
- Brown, Elizabeth Gaspar. "Poor Relief in a Wisconsin County, 1846-1866: Administration and Recipients." *The American Journal of Legal History* 20 (April 1976): 79-117.

- Brown, Kathleen M. *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia*. Chapel Hill: University of North Carolina Press, 1996.
- Bruce, Jr., Dickson D. *Violence and Culture in the Antebellum South*. Austin: University of Texas Press, 1979.
- Buckley, Thomas E. *The Great Catastrophe of My Life: Divorce in the Old Dominion*. Chapel Hill: University of North Carolina Press, 2002.
- Burnham, John. *Bad Habits: Drinking, Smoking, Taking Drugs, Gambling, Sexual Misbehavior, and Swearing in American History*. New York: New York University Press, 1993.
- Bynum, Victoria E. *Unruly Women: The Politics of Social & Sexual Control in the Old South*. Chapel Hill: University of North Carolina Press, 1992.
- Callary, Edward, ed., *Surnames, Nicknames, Placenames, and Epithets in America: Essays in the Theory of Names*. Lewiston: Edwin Mellen Press, 2006.
- Camp, Stephanie M. H. *Closer to Freedom: Enslaved Women & Everyday Resistance in the Plantation South*. Chapel Hill: University of North Carolina Press, 2004.
- Campbell, Randolph. *Gone to Texas: A History of the Lone Star State*. New York: Oxford University Press, 2003.
- Carroll, Mark M. *Homesteads Ungovernable: Families, Sex, Race, and the Law in Frontier Texas, 1823-1860*. Austin: University of Texas Press, 2001.
- Cash, W. J. *The Mind of the South*. New York: A. A. Knopf, 1957.
- Cashin, Joan. *A Family Venture: Men and Women on the Southern Frontier*. New York: Oxford University Press, 1991.
- Censer, Jane Turner. ““Smiling Through Her Tears”: Ante-Bellum Southern Women and Divorce.” *The American Journal of Legal History* 25 (Jan., 1981): 24-47.
- Chireau, Yvonne P. *Black Magic: Religion and the African American Conjuring Tradition*. Berkeley: University of California Press, 2006.
- Chused, Richard H. *Private Acts in Public Places: A Social History of Divorce in the Formative Era of American Family Law*. Philadelphia: University of Pennsylvania Press, 1994.

- Clark, Elizabeth B. "'The Sacred Rights of the Weak': Pain, Sympathy, and the Culture of Individual Rights in Antebellum America." *Journal of American History* 82 (Sept. 1995): 463-493.
- Clark, Elizabeth Blair. "The Inward Fire: A History of Martial Cruelty in the Northeastern United States, 1800-1860." PhD diss., Harvard University, 2006.
- Clinton, Catherine. *The Plantation Mistress: Woman's World in the Old South*. New York: Pantheon Books, 1982.
- Conzen, Kathleen Neils. *Immigrant Milwaukee, 1836-1860*. Cambridge: Harvard University Press, 1976.
- Cott, Nancy F. "Eighteenth-Century Family and Social Life Revealed in Massachusetts Divorce Records." *Journal of Social History* 10 (Autumn, 1976): 20-43.
- _____. "Passionlessness: An Interpretation of Victorian Sexual Ideology, 1790-1850." *Signs* 4 (Winter, 1978): 219-236.
- _____. *Public Vows: A History of Marriage and the Nation*. Cambridge: Harvard University Press, 2001.
- Courtwright, David T. *Violent Land: Single Men and Social Disorder from the Frontier to the Inner City*. Cambridge: Harvard University Press, 1996.
- Cramer, Clayton E. *Concealed Weapon Laws of the Early Republic: Dueling, Southern Violence, and Moral Reform*. Westport: Praeger, 1999.
- Crofts, Daniel W., ed. *Cobb's Ordeal: The Diaries of a Virginia Farmer, 1842-1872*. Athens: University of Georgia Press, 1997.
- Current, Richard N. *The History of Wisconsin: Volume II The Civil War Era, 1848-1873*. Madison: State Historical Society of Wisconsin, 1976.
- D'Emilio, John, and Estelle B. Freedman. *Intimate Matters: A History of Sexuality in America*. New York: Harper & Row, 1988.
- Dayton, Cornelia Hughes. *Women before the Bar: Gender, Law, and Society in Connecticut, 1639-1789*. Chapel Hill: University of North Carolina Press, 1995.
- Degler, Carl N. *At Odds: Women and the Family in America from the Revolution to the Present*. New York: Oxford University Press, 1980.
- Dobash, R. Emerson, and Russell Dobash. *Violence Against Wives: A Case Against the Patriarchy*. New York: Free Press, 1979.

- Dorsey, Bruce. *Reforming Men and Women: Gender in the Antebellum City*. Ithaca: Cornell University Press, 2002.
- Edwards, Laura F. "Law, Domestic Violence, and the Limits of Patriarchal Authority in the Antebellum South." In *Gender and the Southern Body Politic*, ed. Nancy Bercaw, 63-94. Jackson: University Press of Mississippi, 2000.
- _____. "Law, Domestic Violence, and the Limits of Patriarchal Authority in the Antebellum South." *Journal of Southern History* 65 (Nov. 1999): 733-770.
- _____. *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South*. Chapel Hill: University of North Carolina Press, 2009.
- Ely, Jr., James W., and David Bodenhamer. "Regionalism and the Legal History of the South." In *Ambivalent Legacy: A Legal History of the South*, ed. David Bodenhamer and James W. Ely, Jr., 3-29. Jackson: University Press of Mississippi, 1984.
- Epstein, Barbara Leslie. *The Politics of Domesticity: Women, Evangelism, and Temperance in Nineteenth-Century America*. Middletown: Wesleyan University Press, 1981.
- Faragher, John Mack. *Women and Men on the Overland Trail*. New Haven: Yale University Press, 1979.
- Faust, Drew Gilpin. *Mothers of Invention: Women of the Slaveholding South in the American Civil War*. Chapel Hill: University of North Carolina Press, 1996.
- Finkelhor, David, and Kersti Yllo. *License to Rape: Sexual Abuse of Wives*. New York: Holt, Rinehart, and Winston, 1985.
- Fletcher, Holly. *Gender and the American Temperance Movement of the Nineteenth Century*. New York: Routledge, 2008.
- Fox-Genovese, Elizabeth. "Family and Female Identity in the Antebellum South: Sarah Gayle and Her Family." In *In Joy and In Sorrow: Women, Family, and Marriage in the Victorian South, 1830-1900*, ed. Carol Bleser, 15-31. New York: Oxford University Press, 1991.
- _____. *Within the Plantation Household: Black and White Women of the Old South*. Chapel Hill: University of North Carolina Press, 1988.
- Friedman, Lawrence. *A History of American Law*. New York: Simon and Schuster, 1973.

- Friend, Craig Thompson, and Anya Jabour. "Introduction: Families, Values, and Southern History." In *Family Values in the Old South*, ed. Craig Thompson Friend and Anya Jabour, 1-15. Gainesville: University Press of Florida, 2010.
- Glass, Nancy, et. al. "Non-Fatal Strangulation is an Important Risk Factor for Homicide of Women." *Journal of Emergency Medicine* 35 (October 2008): 329-335.
- Glenn, Myra C. *Campaigns against Corporal Punishment: Prisoners, Sailors, Women, and Children in Antebellum America*. Albany: State University of New York Press, 1984.
- Gordon, Linda. "Family Violence, Feminism, and Social Control." *Feminist Studies* 12 (Autumn 1986): 452-478.
- _____. *Heroes of Their Own Lives: The Politics and History of Family Violence: Boston 1880-1960*. Urbana: University of Illinois Press, 1988.
- Gottlieb, Beatrice. *The Family in the Western World from the Black Death to the Industrial Age*. New York: Oxford University Press, 1993.
- Griswold, Robert. "Apart But Not Adrift: Wives, Divorce, and Independence in California, 1850-1890." *Pacific Historical Review* 40 (May 1980): 265-283.
- _____. "The Evolution of the Doctrine of Mental Cruelty in Victorian American Divorce, 1790-1900." *Journal of Social History* 20 (Autumn, 1986): 127-148.
- _____. *Family and Divorce in California, 1850-1890*. Albany: State University of New York Press, 1982.
- _____. "Law, Sex, Cruelty, and Divorce in Victorian America, 1840-1900." *American Quarterly* 38 (Winter 1986): 721-745.
- _____. "Sexual Cruelty and the Case for Divorce in Victorian America." *Signs* 11 (Spring 1986): 529-541.
- Grob, Gerald N., ed. *Nineteenth-Century Medical Attitudes Toward Alcohol Addiction: Six Studies, 1814-1867*. New York: Arno Press, 1981.
- Gross, Ariela J. *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom*. Princeton: Princeton University Press, 2000.
- Grossberg, Michael. *Governing the Hearth: Law and Family in Nineteenth-Century America*. Chapel Hill: University of North Carolina Press, 1985.

- Haag, Pamela. "The "Ill-Use of a Wife:" Patterns of Working-Class Violence in Domestic and Public New York City, 1860-1880." *Journal of Social History* 25 (Spring, 1992): 447-477.
- Hale, Frederick. *Danes in Wisconsin*. Madison: Wisconsin Historical Society Press, 2005.
- _____. *Swedes in Wisconsin*. Madison: Wisconsin Historical Society Press, 2005.
- Halttunen, Karen. *Confidence Men and Painted Women: A Study of Middle-Class Culture in America, 1830-1870*. New Haven: Yale University Press, 1982.
- Hammerton, A. J. *Cruelty and Companionship: Conflict in Nineteenth-Century Married Life*. London: Routledge, 1992.
- Hartog, Hendrik. "Lawyering, Husbands' Rights, and "the Unwritten Law" in Nineteenth-Century America." *Journal of American History* 84 (June 1997): 67-96.
- _____. *Man and Wife in America: A History*. Cambridge: Harvard University Press, 2000.
- Headlee, Jr., Thomas Jefferson. *The Virginia State Court System*. Richmond: Virginia State Library, 1969.
- Herndl, Diane Price. *Invalid Women: Figuring Feminine Illness in American Fiction and Culture, 1840-1940*. Chapel Hill: University of North Carolina Press, 1993.
- Hindus, Michael Stephen. *Prison and Plantation: Crime, Justice, and Authority in Massachusetts and South Carolina, 1767-1878*. Chapel Hill: University of North Carolina Press, 1980.
- Hine, Robert V. *Community on the American Frontier: Separate but Not Alone*. Norman: University of Oklahoma Press, 1980.
- Horowitz, Helen Lefkowitz. *Rereading Sex: Battles over Sexual Knowledge and Suppression in Nineteenth-Century America*. New York: Alfred A. Knopf, 2002.
- Huebner, Timothy S. *The Southern Judicial Tradition: State Judges and Sectional Distinctiveness, 1790-1890*. Athens: University of Georgia Press, 1999.
- Hughes, Geoffrey. *Swearing: A Social History of Foul Language, Oaths, and Profanity in English*. New York: Blackwell, 1991.
- Ireland, Robert M. "The Libertine Must Die: Sexual Dishonor and the Unwritten Law in the Nineteenth-Century United States." *Journal of Social History* 23 (Autumn, 1989): 27-44.

- Isaac, Rhys. *The Transformation of Virginia, 1740-1790*. Chapel Hill: University of North Carolina Press, 1982.
- Jabour, Anya. *Marriage in the Early Republic: Elizabeth and William Wirt and the Companionate Ideal*. Baltimore: Johns Hopkins University Press, 1998.
- Jeffrey, Julie Roy. *Frontier Women: "Civilizing" the West? 1840-1880*. New York: Hill and Wang, 1998.
- Jordan, Terry G. "Population Origins in Texas, 1850." *Geographical Review* 59 (Jan. 1969): 83-103.
- Keetley, Dawn. "From Anger to Jealousy: Explaining Domestic Homicide in Antebellum America." *Journal of Social History* 42 (Winter 2008): 269-297.
- Kelley, Robin D. G. *Race Rebels: Culture, Politics, and the Black Working Class*. New York: Free Press, 1994.
- Kelly, Kristin A. *Domestic Violence and the Politics of Privacy*. Ithaca: Cornell University Press, 2003.
- Kimball, Gregg. *American City, Southern Place: A Cultural History of Antebellum Richmond*. Athens: University of Georgia Press, 2000.
- Kolchin, Peter. *A Sphinx on the American Land: The Nineteenth-Century South in Comparative Perspective*. Baton Rouge: Louisiana State University Press, 2003.
- Korobkin, Laura Hanft. *Criminal Conversations: Sentimentality and Nineteenth-Century Legal Stories of Adultery*. New York: Columbia University Press, 1998.
- Leavitt, Judith Walzer. *Brought to Bed: Childbearing in America, 1750 to 1950*. New York: Oxford University Press, 1986.
- Lebsock, Suzanne. *The Free Women of Petersburg: Status and Culture in a Southern Town, 1784-1860*. New York: W. W. Norton & Co., 1984.
- . *A Murder in Virginia: Southern Justice on Trial*. New York: W. W. Norton & Co., 2003.
- Lewis, Charlene M. Boyer. *Ladies and Gentlemen on Display: Planter Society at the Virginia Springs, 1790-1860*. Charlottesville: University Press of Virginia, 2001.
- Link, William A. *Roots of Secession: Slavery and Politics in Antebellum Virginia*. Chapel Hill: University of North Carolina Press, 2003.

- Lyons, Clare A. *Sex Among the Rabble: An Intimate History of Gender and Power in the Age of Revolution, Philadelphia, 1730-1830*. Chapel Hill: University of North Carolina Press, 2006.
- Lystra, Karen. *Searching the Heart: Women, Men, and Romantic Love in Nineteenth-Century America*. New York: Oxford University Press, 1989.
- McCurry, Stephanie. *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country*. New York: Oxford University Press, 1995.
- McEnery, Tony. *Swearing in English: Bad Language, Purity, and Power from 1586 to the Present*. New York: Routledge, 2006.
- McKnight, Joseph W. "The Spanish Legacy to Texas Law." *American Journal of Legal History* 3 (1959): 222-241.
- McLaurin, Melton. *Celia, A Slave*. Athens: University of Georgia Press, 1991.
- McMillen, Sally G. *Motherhood in the Old South: Pregnancy, Childbirth, and Infant Rearing*. Baton Rouge: Louisiana State University Press, 1990.
- Mandelbaum, David G. "Alcohol and Culture" In *Beliefs, Behaviors, & Alcoholic Beverages*. ed. Mac Marshall, 14-30. Ann Arbor: University of Michigan Press, 1979.
- Malavis, Nick. "Equality under the Lord's Law: The Disciplinary Process in Texas Baptist Churches, 1833-1870." *East Texas Historical Quarterly* 31 (1993): 3-23.
- Markham, Jr., Edward. "The Reception of the Common Law of England and the Judicial Attitude toward that Reception, 1850-1859." *Texas Law Review* 29 (1951).
- Martin, Scott C. *Devil of the Domestic Sphere: Temperance, Gender, and Middle-Class Ideology, 1800-1860*. DeKalb: Northern Illinois University Press, 2008.
- . "Violence, Gender, and Intemperance in Early National Connecticut." *Journal of Social History* 34 (Winter, 2000), 309-325.
- Mintz, Steven, and Susan Kellogg. *Domestic Revolutions: A Social History of American Family Life*. New York: The Free Press, 1988.
- Mocho, Jill. *Murder & Justice in Frontier New Mexico, 1821-1846*. Albuquerque: University of New Mexico Press, 1997.
- Mohr, James C. *Doctors and the Law: Medical Jurisprudence in Nineteenth-Century America*. New York: Oxford University Press, 1993.

- Mollenhoff, David J. *Madison: A History of the Formative Years*. Madison: University of Wisconsin Press, 2003.
- Montagu, Ashley. *The Anatomy of Swearing*. Philadelphia: University of Pennsylvania Press, 2001.
- Moon, Danelle. "Marital Violence Revealed: California Divorce, 1850-1899." MA thesis, California State University, Fullerton, 1994.
- Moore, Sean T. "'Justifiable Provocation': Violence against Women in Essex County, New York, 1799-1860." *Journal of Social History* 35 (Summer, 2002): 889-918.
- Murr, Ericka, ed., *A Rebel Wife in Texas: The Diary and Letters of Elizabeth Scott Neblett, 1852-1864*. Baton Rouge: Louisiana State University Press, 2001.
- Nesbit, Robert C. *Wisconsin: A History*. 2nd revised edition. ed., William F. Thompson. Madison: University of Wisconsin Press, 1989.
- Nisbett, Richard, and Dov Cohen. *Culture of Honor: The Psychology of Violence in the South*. New York: Oxford University Press, 1996.
- Osborn, Matthew Warner. "A Detestable Shrine: Alcohol Abuse in Antebellum Philadelphia." *Journal of the Early Republic* 29 (Spring 2009): 101-132.
- Parsons, Elaine Frantz. *Manhood Lost: Fallen Drunkards and Redeeming Women in the Nineteenth-Century United States*. Baltimore: Johns Hopkins University Press, 2003.
- Paton, Diana. *No Bond but the Law: Punishment, Race, and Gender in Jamaican State Formation, 1780-1870*. Durham: Duke University Press, 2004.
- Pederson, Jane Marie. *Between Memory and Reality: Family and Community in Rural Wisconsin, 1870-1970*. Madison: University of Wisconsin Press, 1992.
- Pegram, Thomas R. *Battling Demon Rum: The Struggle for a Dry America, 1800-1933*. Chicago: Ivan R. Dee, 1998.
- Pernick, Martin S. *A Calculus of Suffering: Pain, Professionalism, and Anesthesia in Nineteenth-Century America*. New York: Columbia University Press, 1985.
- Peterson, David. "Eden Defiled: A History of Violence Against Wives in Oregon." PhD diss., University of Oregon, 1993.
- . "Wife Beating: An American Tradition." *Journal of Interdisciplinary History* 23 (Summer 1992): 97-118.

Peterson del Mar, David. *Beaten Down: A History of Interpersonal Violence in the West*. Seattle: University of Washington Press, 2002.

_____. *What Trouble I Have Seen: A History of Violence Against Wives*. Cambridge: Harvard University Press, 1996.

Phillips, Roderick. *Putting Asunder: A History of Divorce in Western Society*. Cambridge: Cambridge University Press, 1988.

Pleck, Elizabeth. *Domestic Tyranny: The Making of Social Policy Against Family Violence from Colonial Times to the Present*. New York: Oxford University Press, 1987.

Poovey, Mary. "'Scenes of an Indelicate Character': The Medical 'Treatment' of Victorian Women." In *The Making of the Modern Body: Sexuality and Society in the Nineteenth Century*, ed. Catherine Gallagher and Thomas Laqueur, 137-168. Berkeley: University of California Press, 1987.

Pugh, David G. *Sons of Liberty: The Masculine Mind in Nineteenth-Century America*. Westport: Greenwood Press, 1983.

Ranney, Joseph A. *Trusting Nothing to Providence: A History of Wisconsin's Legal System*. Madison: University of Wisconsin Law School, 1999.

Renzetti, Claire. "The Challenge to Feminism Posed by Women's Use of Violence in Intimate Relationships." In *New Versions of Victims: Feminists Struggle with the Concept*, ed. Sharon Lamb, 42-56. New York: New York University Press, 1999.

Riley, Glenda. "Legislative Divorce in Virginia, 1803-1850." *Journal of the Early Republic* 11 (Spring 1991): 51-67.

Rorabaugh, W. J. *The Alcoholic Republic: An American Tradition*. New York: Oxford University Press, 1979.

Roth, Randolph. *American Homicide*. Cambridge: Harvard University Press, 2009.

Rothman, Joshua. *Notorious in the Neighborhood: Sex and Families across the Color Line in Virginia, 1787-1861*. Chapel Hill: University of North Carolina Press, 2003.

Rotundo, E. Anthony. "Body and Soul: Changing Ideals of American Middle-Class Manhood, 1770-1920." *Journal of Social History* 16 (Summer, 1983): 23-38.

_____. "Learning about Manhood: Gender Ideals and the Middle-Class Family in Nineteenth-Century America." In *Manliness and Morality: Middle-Class Masculinity in Britain and America, 1800-1940*, ed. J.A. Mangan and James

- Walvin, 35-51. New York: St. Martin's Press, 1987.
- Ryan, Rebecca M. "The Sex Right: A Legal History of the Marital Rape Exemption." *Law & Social Inquiry* 20 (Autumn, 1995): 941-1001.
- Salamon, Sonya. *Prairie Patrimony: Family, Farming, and Community in the Midwest*. Chapel Hill: University of North Carolina Press, 1992.
- Salinger, Sharon V. *Taverns and Drinking in Early America*. Baltimore: Johns Hopkins University Press, 2002.
- Salmon, Marylynn. *Women and the Law of Property in Early America*. Chapel Hill: University of North Carolina Press, 1986.
- Sandmaier, Marian. *The Invisible Alcoholics: Women and Alcohol Abuse in America*. St. Louis: McGraw-Hill Book Company, 1980.
- Scarborough, William. *Masters of the Big House: Elite Slaveholders of the Mid-Nineteenth-Century South*. Baton Rouge: Louisiana State University Press, 2003.
- Schwarz, Philip J. *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865*. Baton Rouge: Louisiana State University Press, 1988.
- Scott, Anne Firor. "Women's Perspective on the Patriarchy in the 1850s." In *Half Sisters of History: Southern Women and the American Past*, ed. Catherine Clinton, 76-92. Durham: Duke University Press, 1994.
- Shammas, Carole. *A History of Household Government in America*. Charlottesville: University of Virginia Press, 2002.
- Showalter, Elaine. *The Female Malady: Women, Madness, and Culture in England, 1830-1980*. New York: Pantheon Books, 1985.
- Siegel, Reva. "'The Rule of Love': Wife Beating as Prerogative and Privacy." *The Yale Law Journal* 105 (June 1996): 2117-2207.
- Sievens, Mary Beth. *Stray Wives: Marital Conflict in Early National New England*. New York: New York University Press, 2005.
- Silkenat, David. *Moments of Despair: Suicide, Despair, & Debt in Civil War Era North Carolina*. Chapel Hill: University of North Carolina Press, 2011.
- Smith, Alice E. *The History of Wisconsin: Volume 1 From Exploration to Statehood*. Madison: State Historical Society of Wisconsin, 1973.

- Smith, Merrill D. *Breaking the Bonds: Marital Discord in Pennsylvania, 1730-1830*. New York: New York University Press, 1993.
- _____. "Introduction: Studying Rape in American History." In *Sex Without Consent: Rape and Sexual Coercion in America*, ed. Merrill D. Smith, 1-9. New York: New York University Press, 2001.
- Smith-Rosenberg, Carroll. "The Hysterical Woman: Sex Roles and Role Conflict in Nineteenth-Century America." *Social Research* 39 (Winter 1972): 652-678.
- Smith-Rosenberg, Carroll, and Charles Rosenberg. "The Female Animal: Medical and Biological Views of Women and Her Role in Nineteenth-Century America." *Journal of American History* 60 (Sept., 1973): 332-356.
- Snyder, Terri. *Brabbling Women: Disorderly Speech and the Law in Early Virginia*. Ithaca: Cornell University Press, 2003.
- Stamp, Mark A. "Wisconsin's Marriage and Divorce Laws: A Historical Perspective." ML thesis, University of Wisconsin, 1982.
- Stansell, Christine. *City of Women: Sex and Class in New York, 1789-1860*. Urbana: University of Illinois Press, 1987.
- Stephan, Scott. *Redeeming the Southern Family: Evangelical Women and Domestic Devotion in the Antebellum South*. Athens: University of Georgia Press, 2008.
- Stevenson, Brenda. *Life in Black and White: Family and Community in the Slave South*. New York: Oxford University Press, 1996.
- Stowe, Steven M. *Doctoring the South: Southern Physicians and Everyday Medicine in the Mid-Nineteenth Century*. Chapel Hill: University of North Carolina Press, 2004.
- _____. *Intimacy and Power in the Old South: Ritual in the Lives of the Planters*. Baltimore: Johns Hopkins University Press, 1987.
- Tomes, Nancy. A "Torrent of Abuse": Crimes of Violence between Working-Class Men and Women in London, 1840-1875." *Journal of Social History* 11 (Spring, 1978): 328-345.
- Tyrrell, Ian R. "Drink and Temperance in the Antebellum South: An Overview and Interpretation." *Journal of Southern History* 48 (Nov. 1982): 485-510.
- _____. *Sobering Up: From Temperance to Prohibition in Antebellum America, 1800-1860*. Westport: Greenwood Press, 1979.

Vandal, Gilles. *Rethinking Southern Violence: Homicides in Post-Civil War Louisiana, 1866-1884*. Columbus: Ohio State University Press, 2000.

Weiner, Martin J. *Men of Blood: Violence, Manliness, and Criminal Justice in Victorian England*. Cambridge: Cambridge University Press, 2004.

Welter, Barbara. "The Cult of True Womanhood: 1820-1860." *American Quarterly* 18 (Summer, 1966): 151-174.

Wood, Kristen E. "Making a Home in Public: Domesticity, Authority, and Family in the Old South's Public Houses" In *Family Values in the Old South*, ed. Craig Thompson Friend and Anya Jabour, 158-185. Gainesville: University Press of Florida, 2010.

Wyatt-Brown, Bertram. *Southern Honor: Ethics and Behavior in the Old South*. New York: Oxford University Press, 1982.

_____. *The Shaping of Southern Culture: Honor, Grace, and War, 1760s-1880s*. Chapel Hill: University of North Carolina Press, 2001.

Wyman, Mark. *The Wisconsin Frontier*. Bloomington: Indiana University Press, 1998.